



ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

DETERMINATION OF DEVELOPMENT APPLICATION NO. DA 003-02-2012

I, Daniel James, Team Leader, Metropolitan and Regional Projects South (Alpine Resorts Team) as delegate for the Minister for Planning and Infrastructure under Instrument of Delegation dated (14 September 2011) pursuant to Section 80(1)(a) of the *Environmental Planning and Assessment Act 1979* and State Environmental Planning Policy (Kosciuszko National Park – Alpine Resorts) 2007 determine the Development Application referred to in **Schedule 1** subject to the conditions referred in **Schedule 2**.

The reasons for the imposition of conditions are:

- (1) To protect the amenity of the locality;
- (2) To protect the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats;
- (3) To ensure public health and safety; and
- (4) To ensure the proposed works are carried out in accordance with the relevant Australian standards, provisions of the Building Code of Australia and other relevant legislation.

Daniel James
Team Leader
Alpine Resorts Team

___ May 2012

SCHEDULE 1

PART A — TABLE

Application made by:	Perisher Blue Pty Ltd
Application made to:	Minister for Planning and Infrastructure
Development Application:	DA No. 003-02-2012
On land comprising:	Top of Interceptor Chairlift, Perisher Range alpine resort, Kosciusko National Park
For the carrying out of:	Installation of a permanent ski patrol hut
Estimated Cost of Works	\$2000
Type of development:	General
Approval Body / Bodies:	Nil
Determination made on:	
Determination:	Development consent is granted subject to the conditions in the attached Schedule 2.
Date of commencement of consent:	This development consent commences on the date identified in the accompanying letter.
Date consent is liable to lapse:	This consent will lapse 5 years from the date of commencement of consent, unless a shorter period of time is specified by the Regulations or a condition in Schedule 2.

PART B—NOTES RELATING TO THE DETERMINATION OF DA 003-02-2012

Responsibility for Other Approvals / Agreements

The applicant is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.

Appeals

The applicant has the right to appeal to the Land and Environment Court under Section 97 of the *Environmental Planning and Assessment Act, 1979*. The right to appeal is only valid:

- (1) for a development application, within 12 months after the date on which the applicant received this notice, or
- (2) for a modification to the consent, within 3 months after the date on which the applicant received this notice.

Legal Notices

Any advice or notice to the consent authority shall be served on the Director-General.

PART C—DEFINITIONS

In this consent,

Act means the *Environmental Planning and Assessment Act, 1979* (as amended).

Applicant means Perisher Blue Pty Ltd.

Approval Body has the same meaning as within Division 5 of Part 4 of the Act.

BCA means the edition of the Building Code of Australia in force at the time of lodgement of an application for a Construction Certificate.

Certifying Authority has the same meaning as Part 4A of the Act.

DA No 003-02-2012 means the development application and supporting documentation submitted by the applicant on 7 February 2012.

Department means the Department of Planning and Infrastructure.

Director means the Director of Metropolitan and Regional Projects South (or its successors) or a delegate of the Director of Metropolitan and Regional Projects South within the Department.

Director-General means the Director-General of the Department.

Minister means the Minister for Planning and Infrastructure.

OEH means the NSW Office of Environment and Heritage.

Regulation means the *Environmental Planning and Assessment Regulations, 2000* (as amended).

Subject Site has the same meaning as the land identified in Part A of this schedule.

Team Leader means the Team Leader of Metropolitan and Regional Projects South (or its successors) or a delegate of the Team Leader of Metropolitan and Regional Projects South within the Department.

RECOMMENDED DATION

SCHEDULE 2

CONDITIONS OF CONSENT

DEVELOPMENT APPLICATION NO. DA 003-02-2012

FOR THE INSTALLATION OF A PERMANENT SKI PATROL HUT,
AT THE TOP OF THE INTERCEPTOR CHAIRLIFT,
PERISHER RANGE ALPINE RESORT

This consent is granted subject to the following:

A THE APPROVED DEVELOPMENT

A.1 Development in accordance with approved documentation and plans

The development consent incorporates the approved plans and documents stamped and detailed below:

Ref. No.	Document	Title / Description	Author / Prepared by	Date	Document Reference
1	Statement of Environmental Effects (SEE)	'Installation of a permanent ski patrol hut, top of Interceptor chairlift, Perisher ski resort'	Tanya Bishop, Perisher Blue Pty Ltd	February 2012	-
2	Site Environmental Management Plan	'Site plan/Site environmental management plan'			Figure 2 of the SEE (Ref.1)
3	Engineering Drawings	'Proposed location of relocatable existing ski patrol hut at 40 north-west of Interceptor ski lift top station on rock outcrop'	G. Janssen MIE Aust CP Eng	January 2012	Attachment 1 of SEE (Ref.1)
4	Geotechnical Assessment	'Geotechnical assessment, proposed Interceptor patrol hut relocation, Perisher Blue ski resort, Perisher Valley, NSW'	Jeffrey and Katauskas Pty Ltd	6 February 2012	25463WH2let
5	Form 4	'Geotechnical Policy – Kosciuszko Alpine Resorts Form 4 – Minimal Impact Certification'	Completed and signed by Bruce F. Walker	6 February 2012	-

The development shall be in accordance with these above approved plans and documentation.

A.2 Development description

The development to which consent is granted is described as the installation of a permanent ski patrol hut and associated works.

A.3 Development Site Description

The development site is to the north of the top station of the Interceptor chairlift within the Perisher Range alpine resort, Kosciuszko National Park.

A.4 Inconsistency between Documents

In the event of any inconsistency between conditions of this consent and the documents referred to above, the conditions of this consent prevail.

B GENERAL CONDITIONS

B.1 Lapsing of Consent

The development consent shall lapse 5 years after the determination date in Part A of Schedule 1 of this development consent.

B.2 Prescribed Conditions

All works shall comply with the prescribed conditions of development consent as set out in clause 98 of the Regulation.

B.3 Compliance with the Building Code of Australia

All works must be carried out in accordance with the requirements of the Building Code of Australia.

B.4 Australian Standards

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

B.5 Geotechnical

The recommendations contained in the Geotechnical Assessment undertaken by Jeffrey and Katauskas Pty Ltd for the proposal, dated 6 February 2012, Reference 25463WH2let (reference 4 in condition A.1) and the Department's Geotechnical Policy shall be adhered to at all times.

C PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

C.1 Construction certificate

Prior to the commencement of any work, a construction certificate for the development must be obtained.

C.2 Documentation for the construction certificate

Prior to the issue of the construction certificate, the following information shall be submitted to, and be to the satisfaction of the certifying authority.

- (a) Structural drawings and design statement - prepared and signed by an appropriately qualified practising Structural Engineer that comply with:
 - (i) section B of the BCA;
 - (ii) development consent DA 003-02-2012;
 - (iii) drawings and specifications comprising the Construction Certificate; and
 - (iv) the Geotechnical Site Assessment undertaken by Jeffrey and Katauskas Pty Ltd for the proposal, dated 6 February 2012, Reference 25463WH2let (reference 4 in condition A.1).
- (b) Compliance with the BCA - sufficient details to demonstrate that the proposal complies with the relevant provisions of the BCA.

D PRIOR TO THE COMMENCEMENT OF WORKS

D.1 Notification to Department of the Date of Commencement of Works

Both the PCA and the Director-General or nominee shall be given written notice, at least 2 days prior to works commencing on site, of the date that works are proposed to commence.

D.2 Environmental Officer

- (a) Prior to the commencement of works, an appropriately qualified environmental officer shall be appointed and both the PCA and the Director-General or nominee shall be notified of this person.

- (b) The environmental officer shall be responsible for overseeing the work, rehabilitation and ensuring that site environmental management measures are in place and adequately functioning throughout the entire construction phase.

D.3 Implementation of site environmental management measures

Prior to any construction works commencing, all site environmental management measures in accordance with the approved documentation and plans (condition A.1) and these conditions of consent, shall be in place and in good working order.

D.4 Protection of adjacent vegetation areas

Site management shall ensure that appropriate measures are in place to ensure that vehicles and machinery do not enter into areas of vegetation that are not part of the proposed development.

E DURING CONSTRUCTION

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

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

E.2 Construction hours

All work in connection with the proposed development shall be carried out between the hours of 7.00am and 6.00pm on Monday to Friday inclusive, and 7:00am to 1.00pm on Saturdays, with no work allowed on Sunday or public holidays, or as otherwise approved by the Director-General or nominee.

E.3 Construction period

- (a) All construction activities are limited to the "summer" period. For this development this period means commencing after the October long weekend and ceases no later than 30 May or as otherwise approved by the Director-General or nominee.
- (b) By 30 May the applicant shall ensure that that the site is made safe and secure by undertaking the following:
- (i) removal of all waste materials;
 - (ii) removal and/or securing of all stockpiles of soil and gravel;
 - (iii) completion of all stabilisation and rehabilitation works in accordance with these conditions of consent and the approved documentation; and
 - (iv) any other specific matters related to making the sites safe and secure raised by the Director-General or nominee during the course of construction.

E.4 Site notice

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

- (i) minimum dimensions of the notice are to measure 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size;
- (ii) the notice is to be durable and weatherproof and is to be displayed throughout the works period;
- (iii) the approved hours of work, the name of the site/project manager, the responsible managing company (if any), its address and 24 hour contact phone number for any inquiries, including construction/noise complaint are to be displayed on the site notice; and
- (iv) the notice(s) is to be mounted at eye level and is to state that unauthorised entry to the site is not permitted.

E.5 Role of the environmental officer

The appointed environmental officer shall oversee all works and ensure compliance with all environmental protection measures in the approved documentation and plans (condition A.1) and these conditions of consent, and that site environmental management measures are in place and adequately functioning throughout the entire construction phase.

E.6 Construction activities

No vehicles or machinery are permitted to enter into, or any materials or equipment shall be stored in any adjoining areas of intact native vegetation.

E.7 Building waste

All building waste shall be contained in receptacles so as not to escape by wind or water. These receptacles must only be located in the construction access corridor and not beneath the canopy or over roots of any trees. The receptacle must be cleaned regularly.

E.8 Re-fuelling

Appropriate controls shall be put in place to ensure no spillage when re-fuelling all vehicles and machinery associated with the works. Re-fuelling of vehicles shall be performed on hard stand areas only. No refuelling of any machinery shall occur within the vicinity of any Upland Bog, Short Alpine Herbfield and/or Snowpatch vegetation communities.

E.9 Protection of native vegetation

Site management shall ensure that appropriate measures are in place to ensure that vehicles, machinery or persons do not damage or remove any native vegetation that is not part of this consent. The damage or removal of any native vegetation that is not part of this consent may warrant further action to be undertaken in accordance with the *National Parks and Wildlife Act 1974* or the *Environmental Planning and Assessment Act 1979*.

E.10 Work Cover

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

E.11 Aboriginal heritage

- (a) Any trenching within the area with potential Aboriginal cultural heritage value as shown in the approved SEE (reference 1 in condition A.1) shall be confined only to areas that have previously been disturbed.
- (b) Should any material suspected of being an Aboriginal relic or artefact become unearthed in the course of works:
 - (i) all works impacting the objects or artefacts shall cease immediately as per Section 90 of the *National Parks and Wildlife Act 1974*;
 - (ii) the applicant must immediately contact the OEH to arrange for representatives to inspect the site; and
 - (iii) upon request by the Director-General (or nominee) and/or OEH, the applicant is to provide the Director-General (or nominee) and OEH personnel safe access to the construction site for the purposes of undertaking further cultural heritage related assessments as considered appropriate by OEH.
- (c) All workers on the site are to be made aware of this condition.

F PRIOR TO COMMENCEMENT OF USE

F.1 Occupation certificate

An occupation certificate must be obtained from the PCA and a copy furnished to the Director-General or nominee prior to the occupation of the building or commencement of the use.

F.2 Construction access and rehabilitation

- (a) Should any areas of the construction access track be damaged, or soil along the access track become exposed, as a result of the construction activities, these areas shall be rectified, stabilised and rehabilitated as soon as possible.
- (b) Corresponding erosion prevention and sediment control measures shall be put in place and remain in place until all exposed areas of soil are stabilised and/or revegetated.

(c) Any required rehabilitation or stabilisation shall be undertaken in accordance with the *Rehabilitation Guidelines for the Resorts Areas, Kosciuszko National Park* (NPWS 2007).

F.3 Removal of Site Notice

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

F.4 Site Clean Up

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

Recommendation

