



ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

DETERMINATION OF DEVELOPMENT APPLICATION NO. DA 045-10-2011

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. 045-10-2011
On land comprising:	The base of the Zali's ski run, Blue Cow Mountain, Perisher Range alpine resort, Kosciuszko National Park
For the carrying out of:	Removal of three trees
Estimated Cost of Works	\$8500 (at time of lodgement of application)
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 045-10-2011

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.

SCHEDULE 2

CONDITIONS OF CONSENT

DEVELOPMENT APPLICATION NO. DA 045-10-2011

FOR THE REMOVAL OF THREE TREES
AT THE BASE OF THE ZALI'S SKI RUN, BLUE COW MOUNTAIN
PERISHER RANGE ALPINE RESORT

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)	'Rock and tree removal, Zali's ski run, Blue Cow'	NGH environmental	September 2011	Project No. 1689
2	Letter	To: Andrew Kennedy, Perisher Ski Resort 'RE – Modification to DA 045-10-2011 Zalis Rock and Tree Removal SEE (Our Ref: 1689)'	From Jane Mills, NGH environmental	24 April 2012	-
3	Letter	To: Daniel James, New South Wales Department of Planning 'Development Application – DA 045-10-2011 Slope Grooming Works, Zali's ski run, Blue Cow'	From Mountain Manager, Perisher Blue Pty Ltd	20 April 2012	-

The development shall be in accordance with the above approved documentation (subject to condition A.2 below).

A.2 Development description

The development to which consent is granted is described as only the removal of three trees and associated works including planting of offset plants and the placement of hollows in surrounding heath vegetation.

A.3 Development Site Description

The development site is the base of the Zali's ski run, Blue Cow Mountain, 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 shall prevail.

A.5 Office of Environment and Heritage requirements

The trees should only be accessed and removed in a manner that does not damage the surrounding heath and bog. The trees should only be removed near ground level and the stump and root-stock left in-situ.

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 Australian Standards

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

C PRIOR TO THE COMMENCEMENT OF WORKS

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

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.

C.2 Environmental Officer

- (a) Prior to the commencement of works, an appropriately qualified environmental officer shall be appointed and the Director-General or nominee shall be notified of this person.
- (b) The environmental officer shall be responsible for overseeing the work which includes ensuring the following:
- (i) that no vehicles or machinery enter into the alpine bog area;
 - (ii) any movements required within the alpine bog area are on foot and kept to the absolute minimum required for the proposal;
 - (iii) that site environmental management measures are in place and adequately functioning throughout the entire construction phase;
 - (iv) that the Snow Gum tubestock are planted, maintained and replaced if necessary; and
 - (v) that any hollows found are appropriately placed in surrounding heath vegetation so that they provide potential shelter and habitat.
- (c) The environmental officer shall ensure that the works are carried out in accordance with the Office of Environment and Heritage requirements in conditions A5.

C.3 Implementation of site environmental management measures

Prior to any construction works commencing:

- (i) a temporary fence shall be erected around the edge of the alpine bog so as to clearly mark this as a "no go" area for vehicles and machinery; and
- (ii) this temporary fencing shall be inspected and approved by the environmental officer who is to then provide written and signed certification to the Director-General or nominee confirming that the temporary fencing is in place in accordance with these conditions of consent and are satisfactory.

C.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 or the construction corridor.

D DURING CONSTRUCTION

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

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

D.2 Construction hours

All work in connection with the proposed development shall be carried out between the hours of 7.00am and 6.00pm 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.

D.3 Construction period

- (a) All construction activities are limited to the "summer" period. For this development this period means commencing after the October long weekend and ceases no later than 30 May or as otherwise approved by the Director-General or nominee.
- (b) By 30 May, or as otherwise approved by the Director-General or nominee, 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 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.

D.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.

D.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 (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.

D.6 Construction activities

All construction vehicles and machinery shall be confined to the existing access track adjacent to the island of alpine bog containing the three trees. Under no circumstances is movement of machinery or vehicles within the alpine bog ecological community permitted.

D.7 Waste

All waste shall be contained so as not to escape by wind or water, and must only be located outside of areas of native vegetation and not beneath the canopy or over roots of any trees.

D.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.

D.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*.

D.10 Work Cover

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

D.11 Aboriginal heritage

- (a) 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 pursuant to Part 6 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.
- (b) All workers on the site are to be made aware of this condition.

E PRIOR TO COMMENCEMENT OF USE

E.1 Statement of completion

A statement of completion must be obtained from the Department within 30 days of the trees being removed.

E.2 Removal of Site Notice

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

E.3 Site Clean Up

Prior to commencement of use, the subject site shall be cleaned up to the satisfaction of the Director-General or nominee.

E.4 Environmental certification

Prior to the issue of a statement of completion the environmental officer shall provide certification that the development has been carried out in accordance with the conditions of consent.

F POST OCCUPATION

F.1 Offset plantings

- (a) In the spring/summer immediately following when the three trees are removed, six Snow Gum tubestock are to be planted in accordance with the approved documentation (condition A.1).
- (b) For a period of two years after these tubestock are planted, these six plants are to be maintained, monitored and replaced if necessary to ensure that six plants are surviving.