



ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

DETERMINATION OF DEVELOPMENT APPLICATION NO. DA 025-10-2012

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.

A handwritten signature in blue ink, appearing to be 'Daniel James', written in a cursive style.

Daniel James
Team Leader
Alpine Resorts Team

15 February 2013

SCHEDULE 1

PART A — TABLE

Application made by:	Perisher Blue Pty Ltd
Application made to:	Minister for Planning and Infrastructure
Development Application:	DA No. 025-10-2012
On land comprising:	Brumby T-bar, Blue Cow, Perisher Range alpine resort, Kosciusko National Park
For the carrying out of:	Installation of lift safety circuit
Estimated Cost of Works	\$15,000
Type of development:	General
Approval Body / Bodies:	Nil
Determination made on:	15 FEBRUARY 2013
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 the determination is made.
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 025-10-2012

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 Kosciusko Thredbo 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 025-10-2012 means the development application and supporting documentation submitted by the applicant on 17 October 2012.

Department means the Department of Planning and Infrastructure, or its successors.

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, or nominee/delegate.

Director-General's approval, agreement or satisfaction means a written approval from the Director-General or nominee/delegate.

Minister means the Minister for Planning and Infrastructure, or nominee.

NOW means the NSW Office of Water, or its successors.

OEH means the NSW Office of Environment and Heritage, or its successors.

PCA means the principal certifying authority and has the same meaning as Part 4A of the Act.

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.

SCHEDULE 2

CONDITIONS OF CONSENT

DEVELOPMENT APPLICATION NO. DA 025-10-2012

**FOR THE REPLACEMENT OF THE LIFT SAFETY CIRCUIT,
BRUMBY T-BAR, BLUE COW,
PERISHER RANGE ALPINE RESORT, KOSCIUSZKO NATIONAL PARK**

This consent is granted subject to the following:

A THE APPROVED DEVELOPMENT

A.1 Development in accordance with approved documentation and plans

The development shall be carried out in accordance with the approved plans and documents as detailed below, unless otherwise provided by the conditions of this consent.

Ref. No.	Document	Title / Description	Author	Date	Document Reference
1	Statement of Environmental Effects (SEE)	'Replacement of Lift Safety Circuit, Brumby T-Bar, Blue Cow, Statement of Environmental Effects'	Tanya Bishop	August 2012	-
2	SEE Addendum	'Replacement of Lift Safety Circuit, Brumby T-Bar, Blue Cow'	Tanya Bishop	October 2012	-
3	Amended Site Environmental Management Plan (SEMP)	'6 Appendix – Amended site environmental management plan'	Tanya Bishop	October 2012	Appendix to SEE Addendum (Ref. 2)

A.2 Development site description

The development site is the Brumby T-bar at Blue Cow, Perisher Range alpine resort, Kosciuszko National Park.

A.3 Development description

The development to which consent is granted is described as the installation of a new lift safety circuit, above and below ground, for the Brumby T-bar.

A.4 Inconsistency between Documents

In the event of any inconsistency between:

- (i) the conditions of this consent and the documentation/plans referred to in condition A.1, then the conditions of this consent shall prevail to the extent of the inconsistency; and
- (ii) the documentation and in condition A.1, then the most recent document shall prevail to the extent of the inconsistency.

B GENERAL CONDITIONS

These conditions apply at all times.

B.1 Lapsing of consent

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

B.2 Prescribed conditions

All works shall comply with the prescribed conditions of development consent as set out in Part 6, Division 8A of the Regulation. In particular, your attention is drawn to:

- (i) clause 98 compliance with the BCA;
- (ii) clause 98A erection of signs during building and demolition works; and
- (iii) clause 98E condition relating to shoring and adequacy of adjoining property.

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 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

Prior to the commencement of works, an appropriately qualified environmental officer shall be appointed and the Director-General shall be notified of this person.

C.3 Implementation of site environmental management measures

- (a) Prior to any works commencing:
 - (i) all site environmental management measures in accordance with the approved documentation/plans and plans (condition A.1) and these conditions of consent, shall be in place and in good working order; and
 - (ii) these shall be inspected and approved by the environmental officer.
- (b) Prior to works commencing, erosion and sediment control measures shall be put in place and shall include (unless otherwise agreed by the Director-General):
 - (i) a sediment fence as appropriate for the slope and grade;
 - (ii) provisions for the diversion of water, and stabilisation of channels, around the excavation site;
 - (iii) the area where soil is to be stockpiled is to be surrounded by sediment control fencing and protected from run off water;
 - (iv) the soil stockpile shall not exceed 2 metres in height and have a maximum slope of 2:1; and
 - (v) any other directions given by a Director-General.
- (c) Where geotextile sediment fencing is proposed, it shall generally comply with the following:
 - (i) constructed as close as possible to follow the existing contours of the site;
 - (ii) stakes or posts to which the fabric is attached are to be a maximum of 3 metres apart; and
 - (iii) the geotextile fabric shall be entrenched in a 150mm deep trench along the upslope line of the fence.
- (d) Where straw bale sediment fences are proposed, they shall generally comply with the following:
 - (i) only weed free straw or natural thatch/litter is to be used;
 - (ii) they are only used for low flows of water;
 - (iii) every 20 metres, there is one straw bale that is placed at a 90 degree angle to the others for stability;
 - (iv) straw bales tightly abut each other; and
 - (v) straw bales are held firmly in place with star pickets or the like.

- (e) All site environmental management measures are to be contained within the construction corridor (see condition C.4).

C.4 Construction corridor

- (a) Prior to any works commencing:
- (i) the construction corridor shall be temporarily fenced/roped in accordance with the approved documentation/plans (condition A.1) and these conditions so as to clearly delineate the construction areas and the "no go" areas; and
 - (ii) the fenced construction corridor shall be inspected and approved by the environmental officer.
- (b) The construction corridor shall comprise of the following:
- (i) a 6 metre wide corridor encompassing the trench line;
 - (ii) the staging areas; and
 - (iii) the wet area marked on the SEMP at reference 3 in condition A.1 shall be within the fenced/roped construction corridor but marked as a "no go" area for vehicles and machinery.

C.5 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.

D DURING CONSTRUCTION

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

A copy of the approved documentation/plan 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.

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.
- (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/plans; and
 - (iv) any other specific matters related to making the sites safe and secure raised by the Director-General during the course of construction.

D.4 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/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.

D.5 Erosion and sediment control measures

All erosion prevention and sediment control measures in place shall be checked regularly and maintained in good working order at all times. All exposed earth must be kept stabilised and revegetation must commence as soon as practicable.

D.6 Construction activities

- (a) All construction works shall be confined to within the fenced construction corridor.
- (b) All vehicles and machinery used during construction shall be confined to:
 - (i) the existing roads and formed access track network; and
 - (ii) within the relevant part of the fenced construction corridor (see condition C.4).
- (c) All building materials, machinery and other substances shall be confined to within the construction corridor so as to avoid any physical damage to adjoining areas of native vegetation, and storage shall not take place beneath the canopy of any trees.

D.7 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.8 Aboriginal heritage

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 OEHL to arrange for representatives to inspect the site; and
- (iii) upon request by the Director-General and/or OEHL, the applicant is to provide the Director-General and OEHL personnel safe access to the construction site for the purposes of undertaking further cultural heritage related assessments as considered appropriate by OEHL.

All workers on the site are to be made aware of this condition.

D.9 Demolition

All demolition shall comply with AS 2601 *The demolition of structures*.

D.10 Excavations and backfilling

- (a) All excavating and backfilling shall comply with the following:
 - (i) no excavations are to be left open for more than seven consecutive days;
 - (ii) where excavations are to be left open overnight, provision shall be made so that any mammals entering these excavations can escape;
 - (iii) all excavated material is to be placed on the up-slope side of the trench;
 - (iv) any clean excess excavated material shall be removed from the site and stockpiled at Smiggin Holes;
 - (v) shall be executed in a safe manner and in accordance with appropriate professional standards;
 - (vi) adequate provision shall be made for drainage; and
 - (vii) all excavations shall be properly guarded and protected to prevent them from being dangerous; unless otherwise agreed in writing by the Director-General.
- (b) Any contaminated spoil shall be disposed of at an authorised waste facility.
- (c) Under no circumstances shall fill material be imported from outside of Kosciuszko National Park (KNP). If fill material is required, OEHL should be contacted in relation to available sources within KNP.

D.11 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.

D.12 Re-fuelling

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

D.13 Rehabilitation and site stabilisation

- (a) Site stabilisation and rehabilitation works shall commence, as soon as possible, following the completion of each section of work to minimise exposed areas.
- (b) Corresponding erosion prevention and sediment control measures shall remain in place until all exposed areas of soil are stabilised and/or revegetated.
- (c) Rehabilitation shall be undertaken in accordance with:
 - (i) the *Rehabilitation Guidelines for the Resorts Areas, Kosciuszko National Park* (NPWS 2007);
 - (ii) the approved documentation/plans (condition A.1);
 - (iii) these conditions of consent; and
 - (iv) disturbed areas shall be adequately mulched and maintained with weed free straw until an erosion resistant ground condition is achieved.

E PRIOR TO COMMENCEMENT OF USE

E.1 Statement of completion

- (a) Upon completion of the development and before commencement of the use, a statement of completion must be obtained from the Department.
- (b) The request for a statement of completion shall be accompanied by a statement from the appointed environmental officer confirming whether the rehabilitation has been undertaken in accordance with the approved documentation/plans (condition A.1) and whether the rehabilitation is considered satisfactory.
- (c) A statement of completion shall not be issued unless all rehabilitation of the construction corridor has been completed in accordance with the approved documentation/plans (condition A.1) and these conditions of consent.

E.2 Site clean up

Prior to commencement of the use, all affected areas shall be cleaned up to the satisfaction of the Director-General.

F POST OCCUPATION

F.1 Rehabilitation

For a period of two years after the issue of any statement of completion, all disturbed areas shall be monitored and necessary action undertaken to ensure that the ground remains erosion resistant and groundcover is being established.

