



**ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979
DETERMINATION OF DEVELOPMENT APPLICATION NO. DA 5804**

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, followed by the date '5/4/2013' written in the same ink.

Daniel James
Team Leader
Alpine Resorts Team

SCHEDULE 1

PART A — TABLE

Application made by:	Perisher Blue Pty Ltd
Application made to:	Minister for Planning and Infrastructure
Development application:	DA No. 5804
On land comprising:	Slopestyle Terrain Course, Front Valley, Perisher Range alpine resort, Kosciusko National Park
For the carrying out of:	Widening of the Slopestyle Terrain Course
Estimated cost of works	\$30,000
Type of development:	General
Approval Body / Bodies:	Nil
Determination made on:	5 April 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 5804

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.

Approved documentation and plans mean the documentation and plans listed in the table in condition A.1 of Schedule 2.

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 5804 means the development application and supporting documentation submitted by the applicant on 23 January 2013.

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 5804

**WIDENING OF THE SLOPESTYLE TERRAIN PARK,
FRONT VALLEY, 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 documentation and plans 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)	'Widening & re-alignment of Slopestyle Course, Front Valley, Perisher Ski Resort, Kosciuszko National Park'	Dabyne Planning	December 2012	Project No 37-12
2	Site plan	'Slopestyle Course widening & re-alignment, Front Valley, Perisher Ski Resort'	Dabyne Planning	December 2012	Dwg 1/1
3	Flora and fauna assessment	'Proposed widening of the Slope Style Course, Perisher Ski Resort'	Eco Logical Australia	21 December 2012	12NARECO-0034
4	Site environmental management plan	'Widening and re-alignment of Slopestyle Course, Front Valley, Perisher'	Dabyne Planning	December 2012	Appendix D of SEE
5	Email	'DA 5804 Slopestyle widening offsets'	Andrew Kennedy of Perisher to Erin Fuller of DP&I	18 March 2012 10:47am	-
6	Photographs	Similar fauna crossing previously installed	-	-	Attached to email at reference 2
7	Environmental offsets plan	Shows additional 800 square metres of heath planting over four different areas and the location of the three proposed fauna crossings	-	-	Attached to email at reference 2
8	Geotechnical assessment	'Report to Perisher Blue Pty Ltd on geotechnical assessment for	JK Geotechnics	27 March 2013	Ref: 26109RH6rpt

		proposed widening and re-alignment of slope style course at Front Valley, Perisher ski resort, Perisher Valley, NSW'			
9	Form 4	'Geotechnical Policy – Kosciuszko Alpine Resorts Form 4 – Minimal Impact Certification'	Completed and signed by Paul D Roberts	27 March 2013	-

A.2 Development description

The development to which consent is granted is described generally as the widening of the Slopestyle Terrain Course which includes vegetation and rock removal, relocation of snowmaking guns and light towers, demolition of existing ski slope hut and installation of another hut, rehabilitation, environmental offsets, and associated works.

A.3 Development excluded

The development to which consent is granted does not include installation of a new Slopestyle entry feature.

A.4 Development site description

The development site is the Slopestyle Terrain Course at Front Valley, Perisher Range alpine resort, Kosciuszko National Park.

A.5 Inconsistency between Documents

In the event of any inconsistency:

- (i) between the approved documentation and plans, then the most recent document shall prevail to the extent of the inconsistency; or
- (ii) between the conditions of this consent and the approved documentation and plans, then the conditions of this consent 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; and
- (ii) clause 98A erection of signs during building and demolition works.

B.3 Australian Standards

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

B.4 Geotechnical

At all times works associated with the development shall comply with:

- (i) the Department's Geotechnical Policy; and
- (ii) the geotechnical assessment (reference 8 in condition A.1).

B.5 Visual

The fan guns shall be concealed outside of the ski season with a cover in a colour that blends with the natural summer environment so as to minimise its prominence in the landscape.

C PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

C.1 Construction certificate

Prior to the commencement of any building work (defined as physical activity involved in the erection of any structures) a construction certificate for those building works must be obtained.

C.2 Documentation for the construction certificate

Prior to the issue of any construction certificate, all of 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) the BCA;
 - (ii) development consent DA 5804;
 - (iii) drawings and specifications comprising the construction certificate;
 - (iv) current and relevant Australian Standards; and
 - (v) the geotechnical assessment at reference 5 in condition A1.
- (b) Compliance with the BCA - sufficient details to demonstrate that the proposal complies with the relevant provisions of the BCA.
- (c) Footing detail and certification – footing details for the light towers, fan guns and ski slope hut along with certification from a practising structural engineer which includes specific reference to local snow and wind loadings.

C.3 Payment of the long service levy

Evidence shall be provided to the certifying authority, 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 Construction Industry Payments Act 1986*.

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 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

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

D.3 Implementation of site environmental management measures

- (a) Prior to any works commencing all site environmental management measures shall:
 - (i) be in accordance with the approved documentation and plans and these conditions of consent;
 - (ii) not be located within any areas of native vegetation that are not part of this development consent;
 - (iii) be in place and in good working order; and
 - (iv) be inspected and approved by the environmental officer.
- (a) The recommendations contained in the flora and fauna assessment (reference 3 in condition A.1) shall be implemented. This shall include fencing and protecting the Anemone Buttercup individuals prior to the commencement of any works.
- (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 DURING CONSTRUCTION

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

A copy of the approved documentation and plans 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.

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.
- (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 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.

E.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 and plans and these conditions of consent, and that site environmental management measures are in place and adequately functioning throughout the entire construction phase.

E.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.

E.6 Construction activities

- (b) All construction works and activities shall be confined to the existing access roads/tracks, the development site, and the exotic grass ski slopes of Front Valley. The storage of all building materials, machinery, stockpiles and the like shall be confined to within these areas and shall not take place beneath the canopy of any trees that are to remain.
- (c) The recommendations contained in the flora and fauna assessment (reference 3 in condition A.1) shall be implemented and adhered to at all times. This shall include fencing and protecting the Anemone Buttercup individuals for the duration of the works.
- (d) Heath plants disturbed by the works should be removed in sods where this is practical and used in rehabilitation or relocated to the offset planting area where possible.
- (e) Any branches that are to be removed that contain hollows shall be cut so that the hollow remains intact, and the hollow shall be placed in nearby heath vegetation so as to provide potential fauna habitat.
- (f) Adequate measures shall be taken to prevent dirt and dust from affecting the amenity of the neighbourhood during construction.
- (g) Construction shall be managed in accordance with AS 2436 *Guide to noise and vibration control on construction, demolition and maintenance sites* to ensure that there is not an adverse impact for any neighbouring/affected tourist accommodation buildings during the construction period.

E.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*.

E.8 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. Corresponding erosion prevention and sediment control measures shall remain in place until all exposed areas of soil are stabilised and/or revegetated.
- (b) Rehabilitation shall be undertaken in accordance with:
 - (i) the approved documentation and plans and these conditions of consent;
 - (ii) the *Rehabilitation Guidelines for the Resorts Areas, Kosciuszko National Park* (NPWS 2007);
 - (iii) the recommendations contained in the flora and fauna assessment (reference 3 in condition A.1);
 - (iv) all areas that are re-seeded shall only be sown with a Poa-Chewings Fescue mix; and
 - (v) disturbed areas shall be adequately mulched and maintained with weed free straw until an erosion resistant ground condition is achieved.

E.9 Environmental offsets

The environmental offsets shall be planted or constructed as soon as feasible following the commencement of the works, and shall comply with:

- (i) the approved documentation and plans and these conditions of consent;
- (ii) the recommendations of the flora and fauna assessment at reference 3 in condition A.1;
- (iii) the final design and location of the fauna crossings shall be determined in consultation with the OEH;
- (iv) the planting blocks on the environmental offsets plan (reference 7 in condition A.1) shall be undertaken in a manner that connects the remnant vegetation stands at each end or side of the planting block; and
- (v) offset planting of native species should be undertaken at a density of not less than one per square metre or the density present at the site to be disturbed, whichever is the greater density.

E.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 five 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) all 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, OEH should be contacted in relation to available sources within KNP.

E.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.

E.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.

E.13 Demolition

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

E.14 Protection of roads and infrastructure

Roads and infrastructure within the vicinity of the subject site shall be appropriately protected throughout the construction period. Should any road or infrastructure be damaged as a result of works associated with the development, the applicant shall repair this damage at their own expense and to the satisfaction of the provider of the road/infrastructure.

E.15 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 OEH to arrange for representatives to inspect the site; and
- (iii) upon request by the Director-General and/or OEH, the applicant is to provide the Director-General and OEH personnel safe access to the construction site for the purposes of undertaking further cultural heritage related assessments as considered appropriate by OEH.

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

F PRIOR TO COMMENCEMENT OF USE

F.1 Occupation certificate

Prior to the occupation of the building or the commencement of use, an occupation certificate must be obtained from the PCA. A copy of the occupation certificate must be furnished to the Director-General prior to the occupation of the building or commencement of the use.

F.2 Rehabilitation and site stabilisation

- (a) Prior to the issue of any occupation certificate, the appointed environmental officer shall provide the PCA with a statement confirming:
- (i) whether the initial rehabilitation has been undertaken in accordance with the approved documentation and plans and these conditions of consent; and
 - (ii) whether the rehabilitation is considered satisfactory.
- (b) The PCA shall not issue an occupation certificate unless satisfied that all disturbed ground has been rendered erosion resistant and rehabilitated in accordance with the approved documentation and these conditions of consent.

F.3 Environmental offsets

- (a) Prior to the issue of a final occupation certificate, the appointed environmental officer shall provide the PCA with a statement confirming:
- (i) whether all environmental offsets have been planted or constructed and implemented in accordance with the approved documentation and these conditions of consent; and
 - (ii) whether the environmental offsets are considered satisfactory.
- (b) The PCA shall not issue a final occupation certificate unless satisfied that all environmental offsets have been established and undertaken in accordance with the approved documentation and these conditions of consent.

F.4 Site clean up

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

G POST OCCUPATION

G.1 Rehabilitation and environmental offsets

- Up until the date 5 years after the issue of a final occupation certificate, all disturbed areas and offset areas shall be monitored and necessary action undertaken to ensure that:
- (i) the ground remains erosion resistant and groundcover is being established; and
 - (ii) for all offset areas planted with native species the plant numbers surviving at five years after the issue of the final occupation certificate is equal to that required by condition E.9(iv).