



ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979
DETERMINATION OF DEVELOPMENT APPLICATION NO. DA 6493

I, Daniel James, Team Leader, Industry, Key Sites & Social Projects (Alpine Resorts Team) as delegate for the Minister for Planning 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 read 'Daniel James', written in a cursive style.

Daniel James
Team Leader
Alpine Resorts Team

22 May 2014

SCHEDULE 1

PART A — TABLE

Application made by:	Perisher Blue Pty Ltd
Application made to:	Minister for Planning
Development Application:	DA No. 6493
On land comprising:	Powder Valley Traverse ski run, Guthega, Perisher Range alpine resort, Kosciusko National Park
For the carrying out of:	Removal of selected trees and branches
Estimated Cost of Works	\$2,500
Type of development:	General
Approval Body / Bodies:	Nil
Determination made on:	22 MAY 2014
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 6493

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 Secretary.

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 means 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 6493 means the development application and supporting documentation submitted by the applicant on 15 April, 2014.

Department means the Department of Planning, or its successors.

Director means the Director of Industry, Key Sites & Social Projects (or its successors) or a delegate of the Director of Industry, Key Sites & Social Projects within the Department.

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.

Minister means the Minister for Planning, 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 Industry, Key Sites & Social Projects, Alpine Resorts (or its successors) or a delegate of the Team Leader of Industry, Key Sites & Social Projects, Alpine Resorts within the Department.



SCHEDULE 2

CONDITIONS OF CONSENT

DEVELOPMENT APPLICATION NO. DA 6493

FOR REMOVAL OF SELECTED TREES AND BRANCHES
ON POWDER VALLEY TRAVERSE, GUTHEGA, 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 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 / Prepared by	Date	Document Reference
1	Statement of environmental effects (SEE) inclusive of all figures, photos and attachments	'Tree removal works for the re-establishment and widening of the Powder Valley traverse, Guthega, Perisher Ski Resort, Kosciuszko National Park'	Ivan Pasalich	April 2014	Project 04-14-A

A.2 Development description

The development to which consent is granted is described generally as tree removal as part of the re-establishment and widening of the Powder Valley traverse and associated works.

A.3 Development Site Description

The development site is the Powder Valley traverse, Guthega, Perisher Range alpine resort, Kosciuszko National Park.

A.4 Inconsistency between Documents

In the event of any inconsistency 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 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.

C PRIOR TO THE COMMENCEMENT OF WORKS

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

The Secretary 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 Secretary 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 and plans 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) If required, erosion and sediment control measures shall be put in place and shall include (unless otherwise agreed by the Secretary) a sediment fence as appropriate for the slope and grade.

D DURING CONSTRUCTION

D.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.

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 Secretary.

D.3 Over snow works

Any works undertaken over snow including the removal of excess cut timber shall be carried out when there is a snow base of at least 30cm, unless otherwise agreed by the Secretary.

Note: This does not apply to workers on foot with hand tools.

D.4 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 Secretary.

(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 Secretary during the course of construction.

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

D.6 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.7 Construction activities

- (a) All construction works shall be confined to the development site. Encroachment into any areas of native vegetation not part of this development consent is not permitted.
- (b) All vehicles and machinery used during construction shall be confined to the existing roads and formed access track network and the access route identified in the site environmental management plan (in the SEE).
- (c) 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.

D.8 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.9 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 Secretary and/or OEH, the applicant is to provide the Secretary 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.

D.10 Rehabilitation, site stabilisation and environmental offsets

- (a) Rehabilitation, site stabilisation and environmental offset plantings 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); and
 - (iii) disturbed areas shall be adequately mulched and maintained with weed free straw until an erosion resistant ground condition is achieved.
- (b) 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.

- (c) The environmental offset shall:
 - (i) comprise of at least 88 plantings in an area of 132m²; and
 - (ii) be planted in accordance with the approved documentation and plans and as soon as feasible following the commencement of works.

D.11 Timber

All timber to be stockpiled prior to removal off-site or re-use in the general area as habitat shall only be stockpiled temporarily in areas without native health vegetation. All stockpiled timber shall be removed within 4 months of being cut.

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.

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 Secretary.
- (b) A statement of completion shall not be issued unless:
 - (i) all disturbed ground has been rendered erosion resistant;
 - (ii) all offset plantings have been planted in accordance with the approved documentation and plans, the conditions of consent, and appear healthy; and
 - (iii) photographic evidence is submitted to the Secretary which clearly demonstrates (b)(ii) above.
- (c) The request for a statement of completion shall be accompanied by:
 - (i) a statement from the appointed environmental officer confirming whether the requirements of (b) above have been satisfied; and
 - (ii) a statement outlining compliance with all relevant conditions of consent.

E.2 Site Clean Up

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

F POST OCCUPATION

F.1 Rehabilitation and environmental offsets

- (a) Up until the date 5 years after the issue of a statement of completion, all disturbed areas and environmental offset plantings shall be monitored and necessary action undertaken by the applicant to ensure that:
 - (i) the ground remains erosion resistant and groundcover is being established; and
 - (ii) the total number of offset plantings surviving is not less than that required by condition D.9(c).
- (b) Within 30 days of the date 5 years after the issue of a completion statement, photographic evidence shall be submitted to the Secretary demonstrating (a)(ii) above.