

Development consent

Section 80 of the *Environmental Planning and Assessment Act 1979*

As delegate of the Minister for Planning, I grant development consent to the development application referred to in Schedule 1, subject to the conditions in Schedule 2.

These conditions are required to:

- prevent, minimise, and/or offset adverse environmental impacts including economic and social impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the development.



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Jindabyne

21/4/2016

SCHEDULE 1

Application No.:	DA No. 7516
Applicant:	Perisher Blue Pty Ltd
Consent Authority:	Minister for Planning
Land:	Skitube Walkway to Bridge, Perisher Range Alpine Resort, Kosciuszko National Park
Type of Development:	Integrated Development
Approved Development:	Works including: <ul style="list-style-type: none">• removal of existing pathway and associated infrastructure;• construction of a new heated pathway and associated infrastructure; and• associated works.

DEFINITIONS

Act		means the <i>Environmental Planning and Assessment Act, 1979</i> (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 7516		means the development application submitted by the applicant on 18 February 2016.
Department		means the Department of Planning and Environment, or its successors.
Director		means the Director of Key Sites Assessments or a delegate of the Director of Key Sites Assessments within the Department.
Minister		means the Minister for Planning, or nominee.
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 <i>Environmental Planning and Assessment Regulations, 2000</i> (as amended).
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.
Subject site		has the same meaning as the land identified in Part A of this schedule.
Team Leader		means the Team Leader of the Alpine Resorts Team within the Key Sites Assessments division (or its successors) or a delegate of the Team Leader of the Alpine Resorts Team within the Department.

SCHEDULE 2

PART A – ADMINISTRATIVE CONDITIONS

A.1 Obligation to minimise harm to environment

In addition to meeting the specific performance criteria established under this consent, the Applicant shall implement all reasonable and feasible measures to prevent and/or minimise any harm to the environment that may result from the construction or operation of the development.

A.2 Development in accordance with approved documentation and plans

The development shall be in accordance with the Development Application No. DA 7516 submitted by Perisher Blue Pty Ltd on 18 February 2016 and in accordance with the supporting documentation submitted with that application including, but not limited to, the following:

Ref No.	Document	Title/Description	Author/Prepared by	Date	Document Reference
1	Statement of Environmental Effects (SEE)	Skitube Walkway to Bridge, Perisher Valley	Dabyne Planning	January 2016	71-15
2	Appendix A of SEE	Site Environmental Management Plan	Dabyne Planning	January 2016	-
3	Geotechnical Assessment	Proposed New Concrete Walkway, Perisher Ski Resort	JK Geotechnics	28 October 2015	27811RH9rpt
4	Form 4	Geotechnical Policy - Kosciuszko Alpine Resorts Form 4 - Minimal Impact Certification	Signed by Paul Roberts	28 October 2015	-
5	Plan	Location and Existing Detail Plan	Steve Gibb	27 November 2010	-
6	Plan	Finished Detail Plan	Steve Gibb	27 November 2010	-
7	Plan	Proposed Walkway Slab Structural Details	Tasman Engineering Consultants	20 February 2014	Sheet 1 of 6
8	Plan	Specification	Tasman Engineering Consultants	-	Sheet 2 of 6
9	Plan	Site Plan	Tasman Engineering Consultants	-	Sheet 3 of 6

10	Plan	Road and Stormwater Longitudinal Sections	Tasman Engineering Consultants	-	Sheet 4 of 6
11	Plan	Slab Details	Tasman Engineering Consultants	-	Sheet 5 of 6
12	Plan	Grated Pit Details	Tasman Engineering Consultants	-	Sheet 6 of 6
13	General Terms of Approval	General Terms of Approval for works requiring a controlled activity approval under s91 of the Water Management Act 2000	Department of Primary Industries – Water	9 March 2016	10 ERM 2016/0089

A.3 Inconsistency between documents

If there is any inconsistency between the plans and documentation referred to above, the most recent document shall prevail to the extent of the inconsistency. However, conditions of this approval prevail to the extent of any inconsistency.

A.4 Lapsing of consent

This development consent will lapse five years from the date of 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.

A.5 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:

- (a) clause 98, Compliance with Building Code of Australia; and
- (b) clause 98A, Erection of signs during building and demolition works.

A.6 Australian standards

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

A.7 Legal notices

Any advice or notice to the consent authority shall be served on the Secretary.

PART B – PRIOR TO THE ISSUE OF CONSTRUCTION CERTIFICATE

B.1 Construction certificate

Prior to the commencement of any work (including demolition, excavation, clearing, construction, subdivision or associated activities), a construction certificate for the development must be obtained.

B.2 Payment of the Long Service Levy

Prior to the issue of any construction certificate, 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*.

B.3 Structural detail and compliance with the BCA

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 7516;
 - (iii) drawings and specifications comprising the construction certificate;
 - (iv) current and relevant Australian Standards; and
- (b) Compliance with the BCA - sufficient details to demonstrate that the proposal complies with the relevant provisions of the BCA.

B.4 Controlled activity approval under the Water Management Act 2000

Prior to the issue of a construction certificate over any part of the site requiring a controlled activity approval under the *Water Management Act 2000*, the certifying authority is to be satisfied that a controlled activity approval has been obtained. A copy of the approval shall be provided to the Department.

B.5 Geotechnical requirement

Prior to the issue of a construction certificate the applicant shall prepare a written schedule of works that addresses the recommendations in Geotechnical Assessment by JK Geotechnics including any geotechnical inspections to be undertaken at the site. The schedule of works is to be prepared to the satisfaction of the certifying authority. A copy of the schedule of work shall be provided to the Department with the construction certificate documentation.

B.6 Hydronic heating design

Prior to the issue of a construction certificate the applicant shall prepare a hydronic heating design that includes plans and specification of the system and in particular any components of the system that are located within or connected to the ski tube terminal building. The hydronic heating design is to be prepared to the satisfaction of the certifying authority. A copy of the hydronic heating design shall be provided to the Department with the construction certificate documentation.

PART C – PRIOR TO THE COMMENCEMENT OF WORKS

C.1 Notification to Department of the date of commencement of works

Both the PCA and the Secretary 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 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.

C.3 Implementation of site environmental management measures

- (a) Prior to any works commencing:
 - (i) all site environmental management measures relevant to that section of work, in accordance with the approved documentation and plans (Condition A.2) and these conditions of consent, shall be in place and in good working order; and
 - (ii) the site environmental management measures shall be inspected and maintained at all times.
- (b) Prior to commencing, erosion and sediment control measures shall be put in place.

C.4 Temporary fencing

Prior to works commencing, the construction works area shall be fenced with temporary fencing. This fencing is to clearly delineate the construction area and shall keep the disturbance area to a minimum. This is to restrict access and also prevent unauthorised persons entering the work area.

PART D – DURING CONSTRUCTION

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

A copy of the following 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:

- (a) the approved plans and documentation at Condition A.2; and
- (b) the SEMP.

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 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 31 May or as otherwise approved by the Secretary or nominee.
- (b) By 31 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) demolition and construction materials are removed from around the building and are stored within the building or contained within designated areas;
 - (iv) the subject site is fenced with para-webbing or other suitable visible protection fencing around the perimeter of the site to limit access to and from the site;
 - (v) appropriate signage shall be erected outlining that unauthorised access to the site is prohibited and that the site is a construction zone;
 - (vi) any external scaffolding shall be dismantled and removed from the site;
 - (vii) all external plumbing and drainage works are to be completed;
 - (viii) all disturbed ground is stabilised and made erosion resistant;
 - (ix) any excavations are made safe and secure; and
 - (x) any other specific matters related to making the site safe and secure raised by the PCA or the Secretary or nominee.

D.4 Construction activities

- (a) At all times, construction activities shall be undertaken in accordance with the approved SEMP.
- (b) All construction activities shall be confined to within the construction zone.
- (c) No disturbance is permitted outside the construction zone unless otherwise agreed by the Secretary or nominee.

D.5 Work Cover

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

D.6 Site notice

A site notice(s) shall be prominently displayed at the boundaries of the site 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:

- (a) the notice is to be durable and weatherproof and is to be displayed throughout the works period;
- (b) the approved hours of work, the name of the principal contractor for the work (if any), and 24 hour contact phone number for any inquiries, including construction/noise complaint are to be displayed on the site notice;
- (c) the notice(s) is to be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the site is not permitted; and
- (d) the name, address and phone number of the PCA is to be identified on the site signage.

D.7 Storage of materials

The applicant shall ensure that at all times during the construction period that storage is confined to the approved storage locations.

D.8 Prohibition of hazardous materials

Hazardous or toxic materials or dangerous goods shall not be stored or processed on any site at any time.

D.9 Noise and vibration management

Excavation and construction shall be managed in accordance with AS 2436 *Guide to noise and vibration control on construction, demolition and maintenance sites* and to ensure that there is not an adverse impact for any neighbouring/affected tourist accommodation buildings during the construction period.

D.10 Litter and building waste

Building waste shall be minimised and shall be contained in receptacles so as not to escape by wind or water. These receptacles must only be located in previously disturbed areas and not beneath the canopy or over roots of any trees. The receptacle must be cleaned regularly.

D.11 Loading and unloading of construction vehicles

All loading and unloading associated with demolition and construction shall be restricted to those areas approved in the SEMP and conditions.

D.12 Aboriginal heritage

Should any material suspected of being an Aboriginal relic or artefact become unearthed in the course of works, all works impacting the objects or artefacts shall cease immediately as per Section 90 of the *National Parks and Wildlife Act 1974*. The applicant must immediately contact the OEH to arrange for representatives to inspect the site. All workers on the site are to be made aware of this condition.

D.13 Electrical works

All electrical works shall be carried out by a qualified and licensed Electrical contractor and installed in accordance with the relevant Australian Standards.

D.14 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 re-vegetation must commence as soon as practicable.

D.15 Geotechnical requirements

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

- (a) the Department's Geotechnical Policy; and
- (b) the Geotechnical Assessment in Condition A.2.

D.16 Excavations and backfilling

- (a) All excavating and backfilling shall comply with the following:
 - (i) shall be executed in a safe manner and in accordance with appropriate professional standards;
 - (ii) where excavations are to be left open overnight, provision shall be made so that any fauna entering these excavations can escape;
 - (iii) any excess excavated material is to be moved off-site for storage or disposal;
 - (iv) adequate provision shall be made for drainage; and
 - (v) all excavations shall be properly guarded and protected to prevent them from being dangerous;unless otherwise agreed in writing by the Secretary or nominee.
- (b) Any clean excavated material may be temporarily stockpiled at the site compound prior to its removal off-site.
- (c) Any clean excess fill shall be reused on site or disposed of at an authorised land fill site, and any contaminated spoil shall be disposed of at an authorised waste facility.
- (d) Imported fill material shall only be obtained from an Office of Environment and Heritage recommended source.

D.17 Re-fuelling

Appropriate controls shall be put in place to ensure no spillage when re-fuelling all vehicles, machinery associated with the works. Re-fuelling of vehicles shall be performed on hard-stand areas only.

D.18 Plumbing and drainage

All plumbing and drainage works shall comply with AS/NZS 3500 Plumbing and drainage and shall be carried out by an appropriately licensed plumber.

D.19 Maintenance of services

The applicant and/or the lessee are responsible for costs associated with relocating any services. Any damage to any service including road infrastructure shall be immediately rectified by the applicant and/or the lessee.

D.20 Demolition

The demolition work shall comply with the provisions of AS 2601-1991 *Demolition of structures*.

D.21 Dirt and Dust Control Measures

- (a) Adequate measures shall be taken to prevent dirt and dust from affecting the amenity of the neighbourhood during construction.
- (b) In particular, the following measures must be adopted:
 - (i) all vehicles carrying spoil or rubble to or from the site shall at all times be covered to prevent the escape of dust or other material;
 - (ii) covers are to be adequately secured;
 - (iii) cleaning of footpaths must be carried out regularly;
 - (iv) roadways must be kept clean;
 - (v) gates are closed between vehicle movements;
 - (vi) gates are fitted with shade cloth; and
 - (vii) the site is hosed down when necessary.

D.22 Water in excavations

In the event that water needs to be pumped out of any excavations a temporary dam filter shall be installed within the construction zone and shall function in such a way that it captures sediment and pollutants and prevents them leaving the filter dam. Only appropriately treated water from the filter dam shall be disposed of via the existing stormwater system. All pump out equipment shall be wholly contained within the construction zone.

PART E – PRIOR TO COMMENCEMENT OF USE

E.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 Secretary prior to the occupation of the building or commencement of the use.

E.2 Site Clean Up

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

E.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.

E.4 Structural certification

A structural engineer's certificate shall be submitted to the PCA prior to issue of any occupation certificate. This certificate is to verify that structural works have been completed in accordance with approved plans and specifications and comply with the provisions of the BCA and relevant standards.

E.5 Electrical Certification

Prior to the issue of any occupation certificate, certification prepared and signed by an appropriately qualified electrician shall be submitted to the PCA. The certificate shall indicate that all electrical works have been installed by a qualified and licensed electrician and installed in accordance with the relevant Australian Standards.

E.6 As built survey plan

Prior to the issue of any occupation certificate, an as built survey plan of the constructed development is to be furnished to the Secretary or nominee.

E.7 Road and infrastructure damage

Prior to the issue of a final occupation certificate, the PCA is to be satisfied that any roads or other infrastructure damaged as a result of the construction works associated with the development has been adequately repaired to the satisfaction of the provider of the road or infrastructure.

PART F – GENERAL TERMS OF APPROVAL

F.1 Work requiring a controlled activity approval under the Water Management Act 2000

Prior to the commencement of a controlled activity on waterfront land, it will be necessary to obtain a controlled activity approval from the Office of Water under the *Water Management Act 2000*. These conditions form the general terms of approval for the development issued by the Office of Water on 9 March 2016.

1. These General Terms of Approval (GTA) only apply to the controlled activities described in the plans and associated documentation relating to DA No: 7516 and provided by the Department of Environment and Planning as follows:
 - (i) Statement of Environmental Effects, Skitube Walkway to Bridge, Perisher Valley, Perisher Ski Resort, Kosciuszko National Park prepared for Dabyne Planning Pty Ltd dated January 2016.
 - (ii) Location and Existing Detail Plan for Replacement of Existing Concrete Walkway Crossing to Bridge, Perisher Skitube Terminal for Perisher Blue P/L by Steve Gibb dated 27 November 2010.
 - (iii) Finished Detail Plan for Replacement of Existing Concrete Walkway Crossing to Bridge, Perisher Skitube Terminal for Perisher Blue P/L by Steve Gibb dated 27 November 2010.
 - (iv) Proposed Walkway Slab Structural Details for Perisher Blue Pty Ltd from Perisher Skitube Terminal to Skitube Bridge, Perisher by Tasman Engineering Consultants dated 20 February 2014.

Any amendments or modifications to the proposed controlled activities may render these GTA invalid. If the proposed controlled activities are amended or modified the NSW Office of Water must be notified to determine if any variations to these GTA will be required.

2. Prior to the commencement of any controlled activity (works) on waterfront land, the consent holder must obtain a Controlled Activity Approval (CAA) under the *Water Management Act* from DPI Water.

Waterfront land for the purposes of this DA is land and material in or within 40 metres of the top of Perisher Creek.

3. The consent holder must prepare or commission the preparation of:
 - (i) a plan showing the demarcation of waterfront land;
 - (ii) a site management plan incorporating but not limited to identifying stockpile areas, compound site, a construction works schedule, timing and sequence of works, erosion and sedimentation control and rehabilitation of all disturbed areas.

4. All plans must be prepared by a suitably qualified person and submitted to the DPI Water for approval prior to any controlled activity commencing.
5. The consent holder must (i) carry out any controlled activity in accordance with approved plans and (ii) construct and / or implement any controlled activity by or under the direct supervision of a suitably qualified professional and (iii) when required, provide a certificate of completion to DPI Water.
6. The consent holder must ensure that no materials or cleared vegetation that may (i) obstruct flow, (ii) wash into the water body, or (iii) cause damage to river banks; are left on waterfront land other than in accordance with a plan approved by DPI Water.
7. The consent holder must stabilise drain discharge points to prevent erosion in accordance with a plan approved by DPI Water.
8. The consent holder must establish all erosion and sediment control works and water diversion structures in accordance with plans approved by DPI Water. These works and structures must be inspected and maintained throughout the working period and must not be removed until the site has been fully inspected.
9. The consent holder must ensure that no excavation is undertaken on waterfront land other than in accordance with a plan approved by DPI Water.
10. The consent holder must carry out a maintenance period of two (2) years after practical completion of all controlled activities, rehabilitation and vegetation management in accordance with plans approved by the DPI Water.

ADVISORY NOTES

AN.1 Appeals

The Applicant has the right to appeal to the Land and Environment Court in the manner set out in the *Environmental Planning and Assessment Act, 1979* and the *Environmental Planning and Assessment Regulation, 2000* (as amended).

AN.2 Responsibility for other consents / agreements

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

AN.3 Utility services

- (a) The applicant shall liaise with the relevant utility authorities for electricity, gas (if relevant), water, sewage, telecommunications, and the fire hydrant on the subject site:
 - (i) to locate all service infrastructure on the subject site;
 - (ii) arrange connection to these services for the development where relevant; and
 - (iii) negotiate relocation and/or adjustment of any infrastructure related to these services that will be affected by the construction of the development.
- (b) The applicant and/or the lessee are responsible for costs associated with relocating any services.