

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

17/11/2017

SCHEDULE 1

Application No.:	DA No. 8099
Applicant:	Perisher Blue Pty Ltd
Consent Authority:	Minister for Planning
Land:	Smiggin Holes Workshop, Smiggin Holes, Perisher Range Alpine Resort, Kosciuszko National Park
Type of Development:	General Development
Approved Development:	Works including: <ul style="list-style-type: none">• removal of a redundant 5,400L underground heating oil storage tank; 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 8099	means the development application and supporting documentation submitted by the applicant on 21 November 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 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.
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.
UPSS	means Underground Petroleum Storage System

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 8099 submitted by Perisher Blue Pty Ltd on 21 November 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)	Removal of Underground Heating Oil Tank from Smiggin Holes Workshop, Perisher Ski Resort	Perisher Blue Pty Ltd	October 2016	-

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 COMMENCEMENT OF WORKS

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

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.

B.2 Implementation of site environmental management measures

Prior to any construction works commencing, site environmental management measures, shall be in place and in good working order.

B.3 Environmental officer

Prior to the commencement of works, an appropriately qualified environmental officer shall be appointed and the Secretary or nominee shall be notified of this person.

B.4 Appropriately Qualified Contractors and Consultants

The decommissioning and removal of the underground heating oil storage tank shall be undertaken by experienced and qualified contractors and consultants in accordance with *Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2014*.

B.5 Municipal services

The location of existing sewer infrastructure within proximity of the existing heating oil storage tank is to be identified to ensure no impacts occur during works. NPWS Perisher Team should be contacted prior to the commencement of works.

B.6 Lease boundary

The location of the existing lease boundary located close to the site is to be identified on site to ensure that works do not go outside of the lease boundary. Separate approval is required where the works occur outside of the lease boundary.

PART C – DURING WORKS

C.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.

C.2 Site environmental management controls

In the event that there is any soil disturbance appropriate site environmental management controls shall be put in place to ensure minimal erosion.

C.3 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.

C.4 Removal of the underground fuel tank

The decommissioning, removal and validation of the underground heating oil storage tank shall be undertaken in accordance with the *Work Health and Safety Regulation 2011*, *Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2014*, and relevant Australian Standards.

- (a) The works shall be undertaken by experienced and qualified contractors and/or consultants.
- (b) Prior to the commencement of any works, details of the contractors and consultants undertaking the works and the proposed start date of the works, shall be submitted to the Department and the OEH.
- (c) After the UPSS (including the fuel line and associated infrastructure) has been removed, assessment and validation of the soil below (and around) the UPSS excavation shall be completed by a consultant experienced in contaminated land assessment. A useful reference for validation reporting is the "UPSS Technical Note: Site Validation Reporting" (DECCW 2010). The results of the assessment and validation shall be submitted to the Department.
- (d) Disposal of the UPSS shall be undertaken in accordance with the Australian Standard AS 4976-2008 – The Removal and Disposal of Underground Petroleum Storage Tanks.
- (e) If contamination is present at or adjacent to the UPSS site (noting the requirements of Condition B.6):
 - (i) Minor exploratory works can continue within close proximity to the tank pit provided that exploratory work does not compromise the stability of structures or buildings or constitute additional excavation works.
 - (ii) Where it is apparent that significant contamination exists at or adjacent to the UPSS site decontamination works shall cease and the site shall be made safe and secure by either;
 - temporarily backfilling the excavation; or
 - fencing off the site to restrict access.
 - (iii) Prior to any further works commencing a Remediation Plan shall be prepared and submitted to the Department.
 - (iv) If additional excavation works are required, then it will be necessary to obtain recommendations from a suitably qualified geotechnical engineer in accordance with the Department's Geotechnical Policy and certification of the works upon completion.
 - (v) Soil excavated from the site may be stockpiled on site temporarily as long as appropriate environmental controls are implemented.
 - (vi) Contaminated soil, or potentially contaminated soil transported from the site will be classed as waste and must be classified for disposal using procedures outline in the NSW DECCW (2009) Waste Classification Guidelines. Soil transported from the site must be disposed of at an appropriately licensed waste management facility.
- (f) If there is no contamination present at or adjacent to the UPSS site or once the site has been validated, the site may be backfilled. Where fill is imported to the site to backfill an excavation it must be validated.

Note: 'additional excavation works' (item (e)(iv) above) means continuation of the tank pit excavation towards adjacent structures and buildings, or any excavation greater than 0.5 metres below the base of the tank pit.

C.5 Work Cover

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

C.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; and
- (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.

C.7 Storage of materials

The applicant shall ensure that at all times during the construction period that no storage or disposal of materials shall take place beneath the canopy of any trees or on native heath vegetation.

C.8 Prohibition of hazardous materials

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

C.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.

C.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.

C.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.

C.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.

C.13 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.

C.14 Excavations and backfilling

- (a) The proposed excavation shall be reinstated as a trafficable forecourt with backfill compaction and reinstatement of hardstand area to an adequate engineering specification.
- (b) 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.
- (c) Any clean excavated material may be temporarily stockpiled at the site compound prior to its removal off-site.
- (d) 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.
- (e) Imported fill material from shall only be obtained from an OEH recommended source.

C.15 Re-fuelling

Appropriate controls shall be put in place to ensure no spillage occurs when re-fuelling all vehicles and machinery associated with the works. Re-fuelling of vehicles shall be performed on hard-stand areas with spill kits available nearby and appropriate bunding.

C.16 Municipal services

During works, the NPWS Perisher Team is to be contacted immediately in the event of any damage to the existing sewer infrastructure. Any damage to any service including road infrastructure shall be rectified by the Applicant at their expense.

PART D – PRIOR TO COMMENCEMENT OF USE

D.1 Statement of completion

- (a) Upon completion of the development and before commencement of use, a statement of completion must be obtained from the Department.
- (b) The request for a statement of completion shall be accompanied by:
 - (i) a validation report (satisfying D.2); and
 - (ii) a statement outlining compliance with all relevant conditions of consent.

D.2 Validation Report

A copy of the validation report in accordance with Clause 15 of the *Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2014* for the decommissioned heating oil storage tank shall be submitted to the Department.

D.3 Site clean up

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

D.4 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.

D.5 Rehabilitation

Prior to the commencement of use, any disturbed ground shall be rendered erosion resistant and rehabilitated in accordance with the approved documentation and these conditions of consent.

ADVISORY NOTES

AN.1 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.