

# 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.



- 8 MAY 2017

Daniel James  
Team Leader  
Alpine Resorts Team  
Department of Planning and Environment

Jindabyne

2017

---

### SCHEDULE 1

<b>Application No.:</b>	DA No. 8300
<b>Applicant:</b>	Perisher Blue Pty Ltd
<b>Consent Authority:</b>	Minister for Planning
<b>Land:</b>	Mid Station Bistro, Perisher Valley, Perisher Range Alpine Resort, Kosciuszko National Park
<b>Type of Development:</b>	General Development
<b>Approved Development:</b>	Works including: <ul style="list-style-type: none"><li>• tree removal and pruning;</li><li>• rock reduction; and</li><li>• associated works including installation of a fauna crossing.</li></ul>

## 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 8300	means the development application and supporting documentation submitted by the applicant on 24 February 2017.
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.

## 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 8300 submitted by Perisher Blue Pty Ltd on 24 February 2017 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)	Mid Station Bistro Fauna Crossing and Tree and Rock Removal	Perisher Blue Pty Ltd	February 2017	-
2	Appendix 1 of SEE	Fauna Crossing Design	Perisher Blue Pty Ltd	February 2016	-
3	Plan	Site Environmental Management Plan	Perisher Blue Pty Ltd	April 2016	-
4	Email	DA 8300 – Mid Station Bistro	Perisher Blue Pty Ltd	8 May 2017	-

#### 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, all site environmental management measures in accordance with the approved documentation (Condition A.2) and these conditions of consent, 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 Tree and rock removal**

Any trees or above ground rocks proposed to be removed, or partly removed, shall be clearly marked/tagged, inspected and approved by the environmental officer prior to their removal, or partial removal.

### **B.5 Machinery and storage**

Machinery used during construction must be cleaned prior to site mobilisation, be regularly maintained and manoeuvred to prevent the spread of exotic vegetation. Storage of machinery and material is to be restricted to the designated disturbed areas.

### **B.6 Construction and maintenance of the fauna crossing**

The fauna crossing is to be constructed concurrently with the rock and tree works and is to be monitored to ensure it is draining effectively, not filling with sediment and being used by small mammal species.

---

## **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 Hours of work**

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 or nominee.

### **C.3 Period of works**

(a) All works 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) The Applicant shall ensure that that the site is made safe and secure by undertaking, where required, the following:
- (i) removal of all waste materials;
  - (ii) appropriate signage shall be erected outlining that unauthorised access to the site is prohibited and that the site is a construction zone;
  - (iii) all disturbed ground is stabilised and made erosion resistant;
  - (iv) any excavations are made safe and secure; and
  - (v) any other specific matters related to making the site safe and secure raised by the Secretary or nominee.

#### **C.4 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.5 Role of the environmental officer**

The appointed environmental officer shall oversee all works to ensure:

- (a) compliance with all environmental protection measures in the approved documentation and plans (Condition A.2), these conditions of consent and the SEMP;
- (b) that site environmental management measures are in place and adequately functioning throughout the entire construction phase; and
- (c) that site stabilisation and rehabilitation occurs as soon as practicable.

#### **C.6 Work Cover**

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

#### **C.7 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.8 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.9 Prohibition of hazardous materials**

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

#### **C.10 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.11 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.12 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.13 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.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.

### **C.15 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*.

### **C.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 from shall only be obtained from an OEH recommended source.

### **C.17 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. No re-fuelling of any machinery shall occur within the vicinity of any Upland Bog, Short Alpine Herbfield and/or Snowpatch vegetation communities.

### **C.18 Tree and rock removal**

- (a) All tree removal shall comply with the following:
  - (i) only trees marked shall be removed;
  - (ii) trees shall be checked for nests by the environmental officer, hollows or any fauna and if any fauna are present the OEH shall be contacted for advice on suitable procedures to be followed;
  - (iii) trees shall be felled by hand using chainsaws only;
  - (iv) trees shall be felled in a manner that minimises any impacts on adjoining vegetation and adjacent heath; and
  - (v) felled tree material will be removed from site and used in rehabilitation programs to stabilise straw or stockpiled at the Smiggin Holes stockpile site.
- (b) All rock reduction works shall comply with the following:
  - (i) the environmental officer shall check and mark the rocks prior to any rocks being reduced;
  - (ii) if any endangered or threatened reptiles or fauna burrows are found beneath rocks, then the Department is to be notified as to determine if any alternative measures are required and / or if the OEH is to be consulted;
  - (iii) rocks fragments shall not be placed on existing native vegetation and should only be used for the fauna crossing or if they are unable to be used, then they are to be stockpiled at the Smiggin Holes stockpile site.

unless otherwise agreed in writing by the Secretary or nominee.

### **C.19 Rehabilitation**

- (a) All rehabilitation shall be in accordance with the Rehabilitation Guidelines for the Resorts Areas, Kosciuszko National Park (NPWS 2007).
- (b) Rehabilitation of the site is to be re-seeded with an 80:20 mix of Chewings Fescue and Poa fawcettiae around the staff accommodation.
- (c) Timing of the rehabilitation is to enable sufficient time for the sites to be stabilised prior to winter.
- (d) Rehabilitation areas to be maintained and monitored for a period of 5 years.

---

## **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 statement from the appointed environmental officer confirming whether the soil exposure, stabilisation and rehabilitation are satisfactory and have been undertaken in accordance with the conditions of consent;
  - (ii) a statement from the appointed environmental officer confirming the installation of the fauna crossing is satisfactory and was undertaken in accordance with the conditions of consent; and
  - (iii) a statement outlining compliance with all relevant conditions of consent.

### **D.2 Site clean up**

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

### **D.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.

### **D.4 Rehabilitation**

Prior to the issue of the Statement of Completion, rehabilitation shall be carried out in accordance with the approved documentation and these conditions of consent.

### **D.5 Completion of development**

A Statement of Completion of Development shall be obtained from the Department within thirty (30) days of all works being completed.

---

## **PART E – POST OCCUPATION**

### **E.1 Rehabilitation and environmental offsets**

Up until the date 5 years after the issue of the Statement of Completion, all disturbed areas and offset areas shall be monitored and necessary action undertaken to ensure that:

- (a) the ground remains erosion resistant and groundcover is being established; and
- (b) all areas planted with native species (including seeding), are surviving.

---

## **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.