



# Planning

## ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

DETERMINATION OF DEVELOPMENT APPLICATION NO. DA 045-05-2010

(FILE NO. 10/10763)

I, Daniel James, Team Leader, Alpine Resorts Team as delegate for the Minister for Planning under Instrument of Delegation dated (25 January, 2010) pursuant to Section 80 (1)(a) of the Environmental Planning and Assessment Act 1979 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 environment and amenity of the locality;
- (2) To ensure public health and safety; and
- (3) 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

27 July 2010

**SCHEDULE 1**

**PART A—TABLE**

<b>Application made by:</b>	Perisher Blue Pty Ltd
<b>Application made to:</b>	Minister for Planning
<b>Development Application:</b>	DA No. 045-05-2010
<b>On land comprising:</b>	Between Forester Quad Chair and Perisher Centre, Front Valley, Perisher, Perisher Range Resorts
<b>For the carrying out of:</b>	Installation of Optic Fibre cable, Front Valley, Perisher
<b>Estimated Cost of Works</b>	\$1,500
<b>Type of development:</b>	Integrated
<b>S.119 Public inquiry held:</b>	No
<b>Approval Body / Bodies:</b>	NSW Office of Water
<b>Determination made on:</b>	27/7/2010
<b>Determination:</b>	Development consent is granted subject to the conditions in the attached Schedule 2.
<b>Date of commencement of consent:</b>	This development consent commences on the date identified in the accompanying letter.
<b>Date consent is liable to lapse</b>	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 No.045-05-2010**

**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 application 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.

**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 045-05-2010** means the development application and supporting documentation submitted by the applicant on 20 May 2010.

**Department** means the Department of Planning.

**Director** means the Director of the Urban Assessments Unit (or its successors) or a delegate of the Director of the Urban Assessments Unit within the Department.

**Director-General** means the Director-General of the Department.

**Minister** means the Minister for Planning.

**PCA** means the Principal Certifying Authority as prescribed in Part 4A of the Act.

**Regulations** 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 the Metropolitan Assessments (or its successors) or a delegate of the Team Leader of the Metropolitan Assessments Unit within the Department.

SCHEDULE 2

CONDITIONS OF CONSENT

DEVELOPMENT APPLICATION NO. DA 045-5-2010

INSTALLATION OF OPTIC FIBRE CABLE, FRONT VALLEY, PERISHER

This consent is granted subject to the following:

**THE APPROVED DEVELOPMENT**

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**A1 Development in Accordance with Approved Documentation and Plans**

The development shall be in accordance with the approved documentation and plans as detailed below:

- Statement of Environmental Effects (SEE) prepared by Perisher Blue Pty Ltd and titled Fibre Optic Cable Connection – Quad Express Chairlift to Perisher Valley Centre, Perisher Valley dated January 2010
- Trench design for Fibre Optic Cable from Quad Express Chairlift to Perisher Valley Centre referenced Perisher DA01 by the Department of Planning and dated May 2010
- Trench route in conjunction with Perisher Manor Hotel boundary referenced Perisher DA02 by the Department of Planning and dated May 2010
- Site Plan boundary referenced Perisher DA03 by the Department of Planning and dated May 2010

**A2 Development Site Description**

The development site is described as follows:

- Front Valley and the section between the Quad Express Chairlift to Perisher Valley Centre as identified in the SEE.

**A3 Inconsistency between documents**

In the event of any inconsistency between conditions of this approval and the drawings/plans/documents referred to above, the conditions of this approval prevail.

**A4 Prescribed Conditions**

The Applicant shall comply with the prescribed conditions of approval under clause 98 of the Regulation.

**A5 Lapsing of Consent**

The development consent shall lapse 5 years after the determination date in Part A of Schedule 1 of this consent.

**B. PRIOR TO COMMENCEMENT OF WORKS**

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**B1 Notification to Consent Authority of the Date of Commencement of Works**

The Department shall be given written notice, at least 2 days prior to work commencing on site, of the date construction work is proposed to commence.

## **B2 Inspections to be undertaken by the Department of Planning**

The following inspections are required to be carried out. At least 24 hours notice is to be given prior to any inspection being undertaken:

- (i) Pre commencement of works; and
- (ii) Completion of works.

## **B3 Environmental Officer**

Prior to the commencement of works, an appropriately qualified Environmental Officer shall be appointed and the Department shall be notified of this person.

The Environmental Officer shall ensure that requirements outlined in these conditions of consent particularly are complied with throughout the entire project.

## **B4 Controlled Activity Approval**

Prior to commencement of works the applicant is required to obtain a Controlled Activity Approval from the NSW Office of Water, DECCW. The attached General Terms of Approval (GTA's) are not the Controlled Activity Approval.

## **B5 Site Environmental Management Controls**

Site environmental management controls shall be installed prior to commencement of works in accordance with the approved Statement of Environmental Effects prepared by Perisher Blue Pty Ltd dated January 2010.

Uncontaminated run-off shall be intercepted and diverted around disturbed areas where possible. Sediment interception measures (which may include catch drains, contour banks, detention basins, settling ponds, hay bale or gabion barriers, sediment traps or silt fences) shall be installed to prevent sediment and other debris leaving the site or entering downstream drainage lines and satisfactory disposal of intercepted sediment.

These controls are to be inspected by and to the satisfaction of Department officers prior to works commencing.

## **B6 Notification of Construction Works**

The Perisher Manor Hotel shall be given written notice, at least 2 days prior to work commencing on site, of the date construction work is proposed to commence. A plan detailing the location of trenching shall also be forwarded to the Perisher Manor Hotel.

## **C. DURING CONSTRUCTION**

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### **C1 Approved Plans to be On-Site**

A copy of the approved documents incorporating conditions of approval shall be kept on site at all times and shall be readily available for perusal by any officer of the Department .

### **C2 Site Environmental Management Controls**

Site environmental management controls shall be maintained in good working order at all times to the satisfaction of the Department.

Where possible the works shall be contained within the road corridor, otherwise the amount of vegetation disturbed shall be kept to a minimum.

Excess spoil material shall be removed from the construction area and shall be stored or disposed of at an approved site.

### **C3 Hours of Work & Construction Activities**

The following requirements apply to the hours of construction work on the development:

- (a) 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 6.00pm on Saturdays, with no work allowed on Sunday or Public Holidays, or as otherwise approved by the Director General or nominee;
- (b) 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 Director General or nominee. By 31 May the applicant shall ensure that that the site is made safe and secure by undertaking the following:
  - Removal of all waste materials;
  - Removal and/or securing of all stockpiles of soil and gravel;
  - Completion of all stabilisation and rehabilitation works in accordance with these conditions of consent and the approved SEMP; and
  - Any other specific matters raised by Departmental staff during the course of construction.

#### **C4 Site Notice**

A site notice(s) shall be prominently displayed at the boundaries of the sites 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) minimum dimensions of the notice are to measure 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size;
- (b) the notice is to be durable and weatherproof and is to be displayed throughout the works period;
- (c) the approved hours of work, the name of the site/project manager, the responsible managing company (if any), its address and 24 hour contact phone number for any inquiries, including construction/noise complaint are to be displayed on the site notice;
- (d) the notice(s) is to be mounted at eye level and is to state that unauthorised entry to the site is not permitted.

#### **C5 Prohibition of Hazardous Materials**

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

#### **C6 Storage of Materials**

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

#### **C7 Loading and Unloading of Construction Vehicles**

All loading and unloading associated with the works shall be done on existing formed roads or formed car parks.

#### **C8 Re-Fuelling**

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

#### **C9 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*.

#### **C10 Work Cover**

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

**C11 Australian Standards**

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

**C12 Aboriginal Heritage**

Should any Aboriginal objects be uncovered during construction, works impacting the objects must cease immediately and NPWS contacted for assessment of the site.

**C13 Dirt and Dust Control Measures**

Adequate measures shall be taken to prevent dirt and dust from affecting the amenity of the neighbourhood during construction. In particular, the following measures must be adopted:

- (a) 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;
- (b) Covers are to be adequately secured;
- (c) Cleaning of footpaths must be carried out regularly; and
- (d) Roadways must be kept clean;

**C14 Municipal Services**

The applicant is required to notify NPWS Municipal Services Unit (MSU) when vitrified clay, PVC or asbestos pipe greater than 90mm internal diameter is encountered.

Any DECCW or adjoining lessee infrastructure assets damaged during construction shall be reinstated to their pre-existing condition at the cost of the proponent.

**D. PRIOR TO COMMENCEMENT OF USE**

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**D1 Completion of Development**

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

**D2 Rehabilitation**

Any disturbed ground shall be rendered erosion resistant and rehabilitated in accordance with the SEE and these conditions of consent and to the satisfaction of the Director General or nominee.

Surface levels of the completed trenched route are to match adjoining ground levels and not leave mounds or gutters on the surface.

The rehabilitated trench line is to have a finished appearance similar to that of adjoining ground.

Native areas disturbed by works shall be rehabilitated using sod replacement technique and suitable native species only. Other areas disturbed by works shall be rehabilitated using a 50/50 *Poa*/Chewings fescue seed mix.

**D3 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.

**D4 Site Clean Up**

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

**E POST OCCUPATION**

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***E1 Rehabilitation***

Within five years of the issue of the statement of completion and thereafter, areas requiring to be rehabilitated shall have a minimum 70% vegetated cover and rendered erosion resistant.





## General Terms of Approval – for works requiring a Controlled Activity Approval under the Water Management Act 2000

Our Reference	<b>10 ERM2010/0525</b>	File No:	
Site Address	<b>Perisher Valley, Quad Chair to Perisher Centre</b>		
DA Number	<b>DA 045-05-2010</b>		
LGA	<b>Department of Planning – Alpine Resorts Team</b>		
<b>Number</b>	<b>Condition</b>		
<b>Plans, standards and guidelines</b>			
1	<p>These General Terms of Approval (GTA) only apply to the controlled activities described in the plans and associated documentation relating to DA 045-05-2010 and provided by Council:</p> <p>(i) Site plan, map and/or surveys contained within "Statement of Environmental Effects – Fibre Optic Cable Connection – Quad Express Chairlift to Perisher Valley Centre, Perisher Valley", Incorporating the Site Environmental Management Plan</p> <p>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.</p>		
2	<p>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 the NSW Office of Water. Waterfront land for the purposes of this DA is land and material in or within 40 metres of the top of the bank or shore of the river identified.</p>		
3	<p>The consent holder must prepare or commission the preparation of:</p> <p>(i) Works Schedule</p>		
4	<p>All plans must be prepared by a suitably qualified person and submitted to the NSW Office of Water for approval prior to any controlled activity commencing. The following plans must be prepared in accordance with the NSW Office of Water guidelines located at <a href="http://www.dwe.nsw.gov.au/water_trade/rights_controlled.shtml">www.dwe.nsw.gov.au/water_trade/rights_controlled.shtml</a></p> <p>(i) Laying pipes and cables in watercourses</p>		
5	<p>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 the NSW Office of Water.</p>		
<b>Rehabilitation and maintenance</b>			
6	N/A		
7	N/A		
<b>Reporting requirements</b>			

Our Reference	10 ERM2010/0525	File No:	
Site Address	Perisher Valley, Quad Chair to Perisher Centre		
DA Number	DA 045-05-2010		
LGA	Department of Planning – Alpine Resorts Team		
<b>Number</b>	<b>Condition</b>		
8	The consent holder must use a suitably qualified person to monitor the progress, completion, performance of works, rehabilitation and maintenance and report to the NSW Office of Water as required.		
<b>Security deposits</b>			
9	N/A		
<b>Access-ways</b>			
10	N/A		
11	The consent holder must not locate ramps, stairs, access ways, cycle paths, pedestrian paths or any other non-vehicular form of access way in a riparian corridor other than in accordance with a plan approved by the NSW Office of Water.		
<b>Bridge, causeway, culverts, and crossing</b>			
12	N/A		
13	N/A		
<b>Disposal</b>			
14	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 the NSW Office of Water.		
<b>Drainage and Stormwater</b>			
15	N/A		
16	N/A		
<b>Erosion control</b>			
17	The consent holder must establish all erosion and sediment control works and water diversion structures in accordance with a plan approved by the NSW Office of 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 stabilised.		
<b>Excavation</b>			
18	N/A		
19	N/A		
<b>Maintaining river</b>			
20	N/A		
21	N/A		
<b>River bed and bank protection</b>			
22	N/A		
23	N/A		
<b>Plans, standards and guidelines</b>			

Our Reference	<b>10 ERM2010/0525</b>	File No:	
Site Address	<b>Perisher Valley, Quad Chair to Perisher Centre</b>		
DA Number	<b>DA 045-05-2010</b>		
LGA	<b>Department of Planning – Alpine Resorts Team</b>		
<b>Number</b>	<b>Condition</b>		
24	N/A		
25	N/A		
26	N/A		
27	N/A		
<b>END OF CONDITIONS</b>			