



ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

DETERMINATION OF DEVELOPMENT APPLICATION NO. DA 008-02-2011

I, Scott Reid, Acting Team Leader, Metropolitan and Regional Projects South (Alpine Resorts Team) as delegate for the Minister for Planning and Infrastructure under Instrument of Delegation dated (25 January, 2010) 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 environment and amenity of the locality;
- (2) To ensure public health and safety; and
- (3) 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 black ink, appearing to read 'Scott Reid', written over a large, faint circular watermark or stamp.

Scott Reid
Acting Team Leader
Alpine Resorts Team

29 April 2011

SCHEDULE 1

PART A — TABLE

Application made by:	Charlotte Pass Village Pty Ltd
Application made to:	Minister for Planning and Infrastructure
Development Application:	DA No. 008-02-2011
On land comprising:	Charlotte Pass Alpine Resort, Kosciusko National Park
For the carrying out of:	Installation of a new skier conveyor and associated works.
Estimated Cost of Works	\$13,000
Type of development:	Not integrated development and not advertised development.
S.119 Public inquiry held:	No
Approval Body / Bodies:	Nil
Determination made on:	29 April 2011
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 identified in the accompanying letter.
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 008-02-2011

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 Director-General.

PART C—DEFINITIONS

In this consent,

Act means the *Environmental Planning and Assessment Act, 1979* (as amended).

Applicant means Charlotte Pass Village 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 008-02-2011 means the development application and supporting documentation submitted by the applicant on 17 February 2011.

Department means the Department of Planning and Infrastructure.

Director means the Director of Metropolitan and Regional Projects South (or its successors) or a delegate of the Director of Metropolitan and Regional Projects South within the Department.

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

Minister means the Minister for Planning and Infrastructure.

PCA means the Principal Certifying Authority as prescribed in 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 the Metropolitan and Regional Projects South (or its successors) or a delegate of the Team Leader of the Metropolitan and Regional Projects South within the Department.

SCHEDULE 2

CONDITIONS OF CONSENT

DEVELOPMENT APPLICATION NO. DA 008-02-2011

**INSTALLATION OF A NEW SKIER CONVEYOR AND ASSOCIATED WORKS
AT CHARLOTTE PASS ALPINE RESORT**

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 in accordance with the approved documentation and plans as detailed below:

Reference	Document
Ref 1	Statement of Environmental Effects (SEE) prepared by Dabyne Planning Pty Ltd, titled 'Osco Carpet Lift adjacent to Kosciuszko Chairlift, Charlotte Pass Village', and dated February 2011.
Ref 2	Site Environmental Management Plan (SEMP) prepared by Dabyne Planning Pty Ltd, titled 'Osco Carpet Lift adjacent to Kosciuszko Chairlift, Charlotte Pass Village', and dated February 2011.
Ref 3	Site Environmental Management Plan Map prepared by Dabyne Planning Pty Ltd, titled 'Osco Carpet Lift adjacent to Kosciuszko Chairlift, Charlotte Pass Village', and dated February 2011.
Ref 4	Site Plan prepared by Dabyne Planning Pty Ltd, titled 'Osco Carpet Lift adjacent to Kosciuszko Chairlift, Charlotte Pass Village', and dated February 2011.
Ref 5	Structural drawing titled 'Sunkid Wondercarpet Jumbo Belt 750 Drive Station Exit and Anchor', and dated May 2003.
Ref 6	Structural drawing titled 'Sunkid Wondercarpet Return Station and Loading Area', and dated May 2003.
Ref 7	Email from Chris Higgs titled 'DA 008-02-2011 Depth of anchor peg' and dated 16 March 2011.

A.2 Development Site Description

The development site is described as the beginner ski area located adjacent to the Kosciuszko Triple Chair and upslope of the Kosi Carpet Lift at the Charlotte Pass Alpine Resort.

A.3 Inconsistency between documents

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

A.4 Prescribed Conditions

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

A.5 Lapsing of Consent

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

A.6 Compliance with the Building Code of Australia (BCA)

All works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).

B PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

B.1 Compliance with the Building Code of Australia (BCA)

Details are to be provided to the satisfaction of the Certifying Authority with the application for a Construction Certificate which demonstrates that the proposal complies with the relevant requirements of the BCA.

B.2 Structural Details

The applicant shall submit to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate, Structural Drawings and a Design Statement prepared and signed by an appropriately qualified practising Structural Engineer that comply with:

- (i) Section B of the BCA;
- (ii) the relevant development consent; and
- (iii) drawings and specifications comprising the Construction Certificate.

C PRIOR TO COMMENCEMENT OF WORKS

C.1 Commencement of Works

Demolition, excavation, clearing, construction, subdivision or associated activities must not commence until a Construction Certificate has been issued for the proposed development pursuant to the *Environmental Planning and Assessment Act, 1979*.

C.2 Environmental Officer

Prior to the commencement of works, an appropriately qualified Environmental Officer shall be appointed and the PCA shall be notified of this person. If the Department is not the PCA, details of the Environmental Officer shall also be provided to the Department.

The Environmental Officer shall be responsible for overseeing the entirety of the development, until a Final Occupation Certificate is issued, to ensure that these conditions of consent are complied with.

C.3 Site Roping and Environmental Controls

Prior to the commencement of works, the construction site shall be roped to restrict machinery and access to the approved works areas. No machinery or access is permitted into unapproved areas or areas of native vegetation that are not part of this consent.

The site roping shall be inspected and approved by the appointed Environmental Officer prior to works commencing.

Appropriate sedimentation and environmental controls shall be put in place prior to commencement of works.

The appointed Environmental Officer shall provide written certification, accompanied by photographic evidence, to the PCA confirming that all temporary fencing is in place and is satisfactory, prior to works commencing. If the Department is not the PCA, a copy shall also be provided to the Department.

D DURING CONSTRUCTION

D.1 Approved Plans to be On-Site

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

D.2 Disposal of Excess Spoil

All clean excess spoil shall be disposed of at an authorised land fill site. Any contaminated spoil shall be disposed of at an authorised waste facility.

D.3 Excavation and Construction Work During Dry Conditions Only

All excavations and construction works shall only be carried out during dry weather and when the ground at the site is not wet, unless otherwise agreed in writing by the Director-General or nominee.

D.4 Protection of the Environment

The appointed Environmental Officer shall oversee all works and ensure that the works are undertaken in accordance with these conditions of consent.

D.5 Construction Methods – Waterway Crossing

The appointed Environmental Officer shall supervise works through the waterway to direct workers and ensure that all of the following are complied with:

- (a) All works through and immediately adjacent to the waterway shall be completed within one day, including appropriate stabilisation of the creek.
- (b) Works shall be scheduled and performed when the site adjoining the creek is relatively dry and no rain is predicted.
- (c) Prior to works commencing within the waterway, the creek shall be temporarily dammed upstream with adequate pumping devices and piping available to divert the water for the full duration of the works. The pumping capacity will need to be greater than flow and the diversion outlet point shall be protected from scour. (Estimation of streams flows prior to works starting should be performed to determine the size of pump/s and piping required).
- (d) The creek bed shall be stabilised incorporating large anchor rocks initially and then made to look as natural as possible using the same sized rocks as what is existing (larger rocks are approx 30% larger than the largest boulders naturally deposited/moved within the channel). The channel shape and bed level shall be restored to pre-construction condition.

- (e) Excavation and subsequent fill shall not be mixed. Vegetation sods, topsoil and subsoil and bedrock shall be kept separate and stored on geo-textile fabric.
- (f) Any riparian vegetation that is disturbed or damaged including heath species is to be replanted with suitable native tube stock.

D.6 Site Environmental Management Controls

- (a) All site environmental management controls outlined in the SEE and site environmental management plan shall be adhered to.
- (b) Site environmental management controls shall be maintained in good working order at all times to ensure minimal erosion through out construction works and also during rehabilitation.
- (c) All works shall be contained within road corridors where possible, otherwise the amount of vegetation disturbed shall be kept to a minimum.
- (d) Storage and staging areas shall be roped and shall be contained within road corridors.

D.7 Site Stabilisation and Rehabilitation

All disturbed areas shall be rehabilitated in accordance with the approved documentation and to the satisfaction of the PCA.

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.

Site stabilisation and rehabilitation works shall commence, as soon as possible, following the completion of each section of work to minimise exposed areas.

D.8 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 30 May or as otherwise approved by the Director-General or nominee. By 30 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 the Director-General or nominee during the course of construction.

D.9 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.

D.10 Prohibition of Hazardous Materials

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

"Blasting explosives" may be stored and used on site in accordance with AS2187. A licensed explosives magazine shall be used for storage or an Authority shall be obtained from Work Cover for a temporary storage facility.

D.11 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 native vegetation unless otherwise approved in this consent.

D.12 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.

D.13 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 or native vegetation communities.

D.14 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.15 Work Cover

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

D.16 Australian Standards

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

D.17 Canadian Standard Z98-07

All works shall be carried out in accordance with Canadian Standard Z98-07.

D.18 Aboriginal Heritage

Should any Aboriginal objects be uncovered during construction, works impacting the objects must cease immediately and NSW Office of Environment and Heritage contacted for assessment of the site and further directions.

D.19 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;
- (d) Roadways must be kept clean;

E PRIOR TO COMMENCEMENT OF USE

E.1 Occupation Certificate

An Occupation Certificate must be obtained from the PCA and a copy furnished to the Department (if the Department is not the PCA) prior to the occupation of the building or commencement of the use.

E.2 Rehabilitation

Any disturbed ground shall be rendered erosion resistant and rehabilitated in accordance with the SEE, the approved documentation, and these conditions of consent and 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 Site Clean Up

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

E.5 Electrical Installation Certification

Certification that all electrical works have been installed by a qualified and licensed electrician and installed in accordance with the relevant Australian Standards must be submitted to and be to the satisfaction of the PCA prior to the issue of an Occupation Certificate.

E.6 Structural Certification

Prior to the issue of the Occupation Certificate, structural certification, prepared by an appropriately qualified structural engineer shall be submitted to the PCA. The certificate shall indicate that all structural elements have been installed in accordance with the structural design, the Canadian Standard Z98 and any relevant Australian Standards.

E.7 Environmental Certification

Prior to the issue of the Occupation Certificate, the Environmental Officer shall provide written certification that the environmental related conditions of this consent have been complied with. If the Department is not the PCA, a copy shall also be provided to the Department.

F POST OCCUPATION

F.1 Rehabilitation

Within five years of the issue of the Occupation Certificate and thereafter, areas requiring to be rehabilitated with native plant species, including the offset areas identified in the Rehabilitation Plan, shall have a minimum 70% native cover and rendered erosion resistant

