



ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

DETERMINATION OF DEVELOPMENT APPLICATION NO. DA 047-11-2011

I, Daniel James, Team Leader, Metropolitan and Regional Projects South (Alpine Resorts Team) as delegate for the Minister for Planning and Infrastructure under Instrument of Delegation dated 14 September 2011, 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 amenity of the locality;
- (2) To protect the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats;
- (3) To ensure public health and safety; and
- (4) 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.

Daniel James
Team Leader
Alpine Resorts Team

___ February 2012

SCHEDULE 1

PART A — TABLE

Application made by:	Perisher Blue Pty Ltd
Application made to:	Minister for Planning and Infrastructure
Development Application:	DA No. 047-11-2011
On land comprising:	Smiggin Holes, Perisher Range alpine resort, Kosciusko National Park
For the carrying out of:	Relocation of snowmaking infrastructure
Estimated Cost of Works	\$4,500
Type of development:	General
Approval Body / Bodies:	Nil
Determination made on:	
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 047-11-2011

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

Pursuant to section 97 of the *Environmental Planning and Assessment Act, 1979*, the applicant may appeal the determination of this development application. Any such appeal must be made to the Land and Environment Court within six (6) months of the applicant receiving this notice of the determination.

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.

AS means Australian Standard.

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.

Construction Certificate has the same meaning as Part 4A of the Act.

DA No 047-11-2011 means the development application and supporting documentation submitted by the applicant on 11 November 2011.

Department means the Department of Planning and Infrastructure.

Department's Geotechnical Policy means the document titled *Geotechnical Policy Kosciusko Alpine Resorts* prepared by the Department of Infrastructure, Planning and Natural Resources and dated November 2003.

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.

NZS means New Zealand Standard.

Occupation Certificate has the same meaning as Part 4A of the Act.

OEH means the NSW Office of Environment and Heritage.

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



SCHEDULE 2

CONDITIONS OF CONSENT

DEVELOPMENT APPLICATION NO. DA 047-11-2011

FOR THE RELOCATION OF SNOWMAKING INFRASTRUCTURE
SMIGGIN HOLES
PERISHER RANGE ALPINE RESORT

This consent is granted subject to the following:

A THE APPROVED DEVELOPMENT

A.1 Development in accordance with approved documentation and plans

The development consent incorporates the approved plans and documents stamped and detailed below:

Ref. No.	Document	Title / Description	Author / Prepared by	Date	Document Reference
1	Statement of Environmental Effects (SEE)	'Statement of Environmental Effects Upgrade of Electrical Infrastructure, Smiggin Holes'	Tanya Bishop	November 2011	-
2	Site Environmental Management Plan	'Site Environmental Management Plan'	-	-	-

The development shall be in accordance with the above approved documentation.

A.2 Development description

The development to which consent is granted is described as:

- (i) relocation of five hydrants and removal of one hydrant to the skier's right of the Captain Cook J-bar; and
- (ii) relocation of one hydrant and installation of one new hydrant to the skier's right of Zoe's Carpet; and includes:
 - (iii) trenching between the existing hydrant and the new hydrant location for the installation of, and connection to, water and electrical services; and
 - (iv) removal of hydrants, termination of services, and slope profiling; and
 - (v) rehabilitation.

A.3 Development Site Description

The development sites are:

- (i) the 'north area' to the skier's right of the Captain Cook J-bar; and
 - (ii) the 'south area' to the skier's right of Zoe's Carpet;
- at Smiggin Holes, Perisher Range alpine resort.

A.4 Inconsistency between Documents

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

B GENERAL CONDITIONS

B.1 Lapsing of Consent

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

B.2 Prescribed Conditions

All works shall comply with the prescribed conditions of development consent as set out in clause 98 of the Regulation.

B.3 Australian Standards

All works shall be carried out in accordance with current Australian Standards, including but not limited to:

- (i) AS 2601 *The demolition of structures*.

B.4 Mitigation measures

All mitigation measures outlined in the approved documentation (condition A.1) shall be adopted and adhered to.

C PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

C.1 Construction certificate

Prior to the commencement of any work, a construction certificate for the development must be obtained.

C.2 Documentation for the construction certificate

Prior to the issue of the construction certificate, the following information shall be submitted to, and be to the satisfaction of the certifying authority:

- (a) Compliance with the BCA - sufficient details to demonstrate that the proposal complies with the relevant provisions of the BCA.

D PRIOR TO THE COMMENCEMENT OF WORKS

D.1 Notification to Department of the Date of Commencement of Works

Both the PCA and the Director-General 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.

D.2 Environmental Officer

- (a) Prior to the commencement of works, an appropriately qualified environmental officer shall be appointed and both the PCA and the Director-General or nominee shall be notified of this person.
- (b) The environmental officer shall be responsible for overseeing the work, rehabilitation and ensuring that site environmental management measures are in place and adequately functioning throughout the entire construction phase.

D.3 Implementation of site environmental management measures

- (a) Prior to any construction works commencing, all site environmental management measures in accordance with the approved documentation (condition A.1) and these conditions of consent, shall be in place and in good working order.
- (b) Prior to any works commencing:
 - (i) the site environmental management measures shall be inspected and approved by the environmental officer; and
 - (ii) the environmental officer shall provide written and signed certification to the PCA confirming that the site environmental management measures are in place in accordance with the approved documentation (condition A.1) and these conditions of consent, and are satisfactory.

- (c) Where straw bale sediment fences are proposed, they shall generally comply with the following:
 - (i) only weed free straw or natural thatch/litter is to be used;
 - (ii) they are only used for low flows of water;
 - (iii) every 20 metres, there is one straw bale that is placed at a 90 degree angle to the others for stability;
 - (iv) straw bales tightly about each other; and
 - (v) straw bales are held firmly in place with star pickets or the like.
- (d) All site environmental management measures are to be contained within the construction corridor (see condition D.4).

D.4 Construction corridor

- (a) Prior to any works commencing, the construction corridor shall be marked with temporary fencing or the like so as to clearly delineate the construction areas and the "no go" areas.
- (b) The construction corridor shall:
 - (i) be consistent with the approved Site Environmental Management Plan (condition A.1);
 - (ii) define the access route (outside of the formed road network) to be used for construction activities and shall encompass the trench lines;
 - (iii) exclude, as far as possible, any wet areas and areas of Sphagnum and Astelia;
 - (iv) exclude any adjoining areas of native vegetation that are not part of the development so as to ensure vehicles and machinery do not enter into, or impact upon these areas;
 - (v) not exceed 4.5 metres in width with the exception of the stockpile/storage/turning area in the north project area; and
 - (vi) for the north project area, encompass a stockpile/storage/turning area adjacent to the top station of the Captain Cook J-bar which is to be located on previously disturbed ground, outside of areas of native vegetation;unless otherwise approved by the Director-General or nominee.
- (d) Prior to any works commencing:
 - (i) the fenced construction corridor shall be inspected and approved by the environmental officer; and
 - (ii) the environmental officer shall provide written and signed certification to the PCA confirming that the fenced construction corridor is in place in accordance with the approved documentation (condition A.1) and these conditions of consent, and is satisfactory.

D.5 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 or the construction corridor.

E DURING CONSTRUCTION

E.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.

E.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 Director-General or nominee.

E.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 30 May or as otherwise approved by the Director-General or nominee.
- (b) By 30 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 of all stockpiles of soil and gravel;
- (iii) completion of all stabilisation and rehabilitation works in accordance with these conditions of consent and the approved documentation; and
- (iv) any other specific matters related to making the sites safe and secure raised by the Director-General or nominee during the course of construction.

E.4 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:

- (i) 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;
- (ii) the notice is to be durable and weatherproof and is to be displayed throughout the works period;
- (iii) 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; and
- (iv) the notice(s) is to be mounted at eye level and is to state that unauthorised entry to the site is not permitted.

E.5 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 (condition A.1) and these conditions of consent, and that site environmental management measures are in place and adequately functioning throughout the entire construction phase.

E.6 Erosion and sediment control measures

- (a) All erosion prevention and sediment control measures in place shall be checked regularly and maintained in good working order at all times.
- (b) All exposed earth must be kept stabilised and revegetation must commence as soon as practicable.

E.7 Construction activities

- (a) All construction works, vehicles and machinery shall be confined to within the marked construction corridor, and vehicle and machinery movements through wet areas within this construction corridor shall be restricted to essential construction movements only.
- (b) Machinery shall be regularly maintained and manoeuvred in a manner so as to prevent the spread of exotic vegetation.

E.8 Rehabilitation and site stabilisation

- (a) Site stabilisation and rehabilitation works shall commence, as soon as possible, following the completion of each section of work to minimise exposed areas.
- (b) Corresponding erosion prevention and sediment control measures shall remain in place until all exposed areas of soil are stabilised and/or revegetated.
- (c) Rehabilitation shall be undertaken in accordance with:
 - (i) the *Rehabilitation Guidelines for the Resorts Areas, Kosciuszko National Park* (NPWS 2007);
 - (ii) the approved documentation (condition A.1);
 - (iii) these conditions of consent;
 - (iv) rehabilitation at sites N-H4, N-H5 and N-H6 shall incorporate native plants (either contained in sods or as tubestock); and
 - (v) disturbed areas shall be adequately mulched and maintained with weed free straw until an erosion resistant ground condition is achieved.

E.9 Excavations and backfilling

- (a) All excavating and backfilling shall comply with the following:
- (i) no excavations are to be left open for more than five consecutive days;
 - (ii) where excavations are to be left open overnight, provision shall be made so that any mammals entering these excavations can escape;
 - (iii) all clean excavated material shall be removed from the site and stockpiled at Smiggin Holes stockpile site;
 - (iv) shall be executed in a safe manner and in accordance with appropriate professional standards;
 - (v) adequate provision shall be made for drainage; and
 - (vi) all excavations shall be properly guarded and protected to prevent them from being dangerous; unless otherwise agreed in writing by the Director-General or nominee.
- (b) Any contaminated spoil shall be disposed of at an authorised waste facility.
- (c) Under no circumstances shall fill material be imported from outside of Kosciuszko National Park (KNP).

E.10 Building waste

All building waste shall be contained in receptacles so as not to escape by wind or water. These receptacles must only be located outside of areas of native vegetation and not beneath the canopy or over roots of any trees. The receptacle must be cleaned regularly.

E.11 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. No refuelling of any machinery shall occur within the vicinity of any Upland Bog, Short Alpine Herbfield and/or Snowpatch vegetation communities.

E.12 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*.

E.13 Work Cover

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

E.14 Aboriginal heritage

- (a) Should any material suspected of being an Aboriginal relic or artefact become unearthed in the course of works:
- (i) all works impacting the objects or artefacts shall cease immediately as per Section 90 of the *National Parks and Wildlife Act 1974*;
 - (ii) the applicant must immediately contact the OEH to arrange for representatives to inspect the site; and
 - (iii) upon request by the Director-General (or nominee) and/or OEH, the applicant is to provide the Director-General (or nominee) and OEH personnel safe access to the construction site for the purposes of undertaking further cultural heritage related assessments as considered appropriate by OEH.
- (b) All workers on the site are to be made aware of this condition.

F PRIOR TO COMMENCEMENT OF USE

F.1 Occupation certificate

An occupation certificate must be obtained from the PCA and a copy furnished to the Director-General or nominee prior to the occupation of the building or commencement of the use.

F.2 Rehabilitation

- (a) Prior to the issue of a final occupation certificate, the appointed environmental officer shall provide the PCA with a statement confirming:
- (i) that the initial rehabilitation has been undertaken in accordance with the approved documentation and these conditions of consent; and
 - (ii) that the rehabilitation is considered satisfactory.
- (b) The PCA shall not issue an occupation certificate unless satisfied that all disturbed ground has been rendered erosion resistant.

F.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.

F.4 Site Clean Up

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

G POST OCCUPATION

G.1 Rehabilitation

For a period of two years after the issue of any occupation certificate, all disturbed areas shall be monitored and necessary action undertaken to ensure that the ground remains erosion resistant and groundcover is being established.