



ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

DETERMINATION OF DEVELOPMENT APPLICATION NO. DA 006-02-2012

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

___ April 2012

SCHEDULE 1

PART A — TABLE

Application made by:	Perisher Blue Pty Ltd
Application made to:	Minister for Planning and Infrastructure
Development Application:	DA 006-02-2012
On land comprising:	Midstation, Ridge Quad Chairlift, Blue Cow, Perisher Range Alpine Resort, Kosciusko National Park
For the carrying out of:	Removal of midstation infrastructure.
Estimated Cost of Works	\$2,500
Type of development:	Local development
Approval Body / Bodies:	Nil
Determination made on:	April 2012
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 006-02-2012

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 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 006-02-2012 means the development application and supporting documentation submitted by the applicant on 17 February 2012.

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.

OEH means the NSW Office of Environment and Heritage.

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.

RECOMMENDATION

SCHEDULE 2

CONDITIONS OF CONSENT

DEVELOPMENT APPLICATION NO. DA 006-02-2012

FOR THE REMOVAL OF THE MIDSTATION OF THE RIDGE CHAIRLIFT, BLUE COW,
PERISHER RANGE ALPINE RESORT, KOSCIUSZKO NATIONAL PARK

This consent is granted subject to the following:

THE APPROVED DEVELOPMENT

A1 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
1	Statement of Environmental Effects (SEE)	'Removal of Ridge Quad Chairlift midstation infrastructure, Blue Cow'	Tanya Bishop, Environmental Manager Perisher Blue Pty Ltd	February 2011

A2 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.

A3 Prescribed Conditions

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

A4 Lapsing of Consent

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

PART B PRIOR TO COMMENCEMENT OF WORKS

B1 Notification to Department of the Date of Commencement of Works

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

B2 Site Environmental Management Controls

Site environmental management controls shall be installed prior to commencement of works in accordance with the approved SEMP.

B3 Environmental officer

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

PART C DURING CONSTRUCTION

C1 Approved Plans to be On-Site.

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

C2 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) 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 on the perimeter hoardings/fencing and is to state that unauthorised entry to the site is not permitted.
- (e) The contact details of the Department are to be identified on the site signage.

C3 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.

C4 Loading and Unloading of Construction Vehicles

All loading and unloading associated with the works shall be restricted to the road or disturbed areas of the site.

C5 Storage of Materials

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

C6 Hours of Work & Construction Activities

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

- (a) All work in connection with the proposed development must only be carried out between the hours of 7.00am and 5.00pm on Monday to Friday inclusive, and 8:00am to 5.00pm on Saturdays, with no work allowed on Sunday or Public Holidays, or as otherwise approved by the Director General or nominee;
- (b) All decommissioning activities are limited to the "summer" period and exclude the Christmas school holiday 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 must ensure 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;
 - Materials are removed from around the site and appropriately stored within designated areas;
 - The site is fenced with para-webbing or other suitable visible protection fencing around the perimeter of the site to limit access to and from the site;
 - Ensure appropriate signage is erected outlining that unauthorised access to the site is prohibited and that the site is a construction zone;
 - Any other specific matters raised by Departmental staff during the course of construction.
- (c) Prior to the commencement of the works the applicant shall forward to the Department a 24 hour telephone number and shall ensure that the number is continually attended by a person with authority over the works for the duration of the development.
- (d) This development consent does not extend to the use of appliances, which emit noise of a highly intrusive nature (such as pile drivers and hydraulic hammers). Prior to the use of any such appliances the applicant shall seek, in writing, authorisation from the Department. The written information should include, but not be limited to, the following:
 - Details of the appliance.
 - Construction activity associated with the appliance.
 - Noise and vibration mitigation measures.
 - Length of time the appliance will be in use.

C7 Work Cover

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

C8 Safety Fencing.

During the course of works the site shall be clearly delineated with suitable safety fencing to prevent access by unauthorised persons.

C9 Disposal of Excess Spoil

All clean excess spoil shall be stockpiled at the Smiggin Holes stockpile site.

C10 Aboriginal Heritage

Should any material suspected of being an Aboriginal object become unearthed in the course of works associated with the proposed works, all work at that location shall cease immediately as per Section 90 of the *National Parks and Wildlife Act, 1974*. The proponent is required to immediately contact the Department and

the Office of Environment and Heritage (OEH) to arrange for representatives to inspect the site. All workers on the site are to be made aware of this condition.

Upon the request of the Department and/or the OEH, the applicant is to provide the Department and OEH personnel safe access to the construction site for the purposes of undertaking further cultural heritage related assessments as considered appropriate by the OEH.

C11 Site Environmental Management Controls

All site environmental management controls outlined in the SEE and site environmental management plan shall be adhered to. Site environmental management controls shall be maintained in good working order at all times to the satisfaction of the Director General or nominee.

C12 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*.

C13 Site Rehabilitation

Rehabilitation works must be commenced as soon as practicable following the completion of works to minimise exposed areas and to be completed in accordance with the NPWS Rehabilitation Guidelines for the Resorts Areas of Kosciuszko National Park. All disturbed areas are to be rehabilitated to the satisfaction of the Director General or nominee.

C14 Fauna

Any excavations left open at night must be left with ramps or openings such that any fauna entering the excavations have a means of escape.

C15 Australian and Canadian Standards

It is the applicant's responsibility to ensure compliance with current Australian Standards and relevant Canadian Standards. The remaining lift shall also comply with the relevant standards.

C16 Services and communications

All services and communications shall be disconnected in accordance with the relevant standards and made safe.

C17 Litter and Building Waste

All litter and building waste shall be disposed of at an authorised waste facility.

C18 Demolition

All demolition works shall comply with AS 2601-1991: 'The demolition of structures'.

C19 Recycled Material

Wherever possible, building material from the demolition should be salvaged and stored securely within the remaining building for reuse during the redevelopment of the building.

PART D PRIOR TO COMMENCEMENT OF USE

D1 Statement of completion

Upon completion of the development, a statement of completion must be obtained from the Department.

D2 Rehabilitation

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

D3 Removal of Site Notice and Safety Fencing

Any site notices, other site information signs or safety fencing 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.

D5 Inspections to be undertaken by the Department of Planning and Infrastructure

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) Completion of works.

D6 Certification from Environmental Officer

The request for a statement of completion shall be accompanied by:

- (i) photographs taken during and at the completion of the works; and
- (ii) certification from the appointed environmental officer confirming that the works and the rehabilitation of the site have been undertaken in accordance with the approved documentation and the conditions of the consent.