

Cable Car (kunanyi/Mount Wellington) Facilitation Act 2017 (Tas)

Section 7 – Authority to enter land (Access Zone)

I, **THE HONOURABLE PETER CARL GUTWEIN MP**, (being and in my capacity as the Minister administering the *Cable Car (kunanyi/Mount Wellington) Facilitation Act 2017 (the Act)*), acting pursuant to section 7 of the Act, hereby grant to the Proponent and each Authorised Person (when acting on behalf of the Proponent), subject to the terms and conditions set out in this instrument:

- (a) an authority to enter the Site;
- (b) an authority to carry out each Authorised Activity in relation to the Site; and
- (c) for the purposes of enabling the exercise of the authority granted by paragraphs (a) and (b), an authority to enter public land within Wellington Park.

Authority terms and conditions

Definitions and interpretation

1. In this instrument:

Access Restriction means, in relation to an Authorised Activity specified in column 2 of a row in the table in Attachment 1, a restriction (if any) specified in column 3 of the same row of that table.

Act means the *Cable Car (kunanyi/Mount Wellington) Facilitation Act 2017 (Tas)*.

Authorised Activity means an activity specified in column 2 of the table in Attachment 1.

Authorised Person means the following persons, and their officers and employees, when carrying out an Authorised Activity on behalf of the Proponent:

- (a) the Proponent;
- (b) Vos Constructions and Joinery Pty Ltd;
- (c) 1 + 2 Architecture Pty Ltd;
- (d) Jacob Allom Wade Pty Ltd;
- (e) Hansen Partnership Pty Ltd;
- (f) Gandy and Roberts Pty Ltd;
- (g) GHD Pty Ltd;
- (h) Doppelmayr Australia Pty Ltd;
- (i) Leary & Cox Pty Ltd;
- (j) Dirt Art Pty Ltd;
- (k) Aerial Vision Australia Pty Ltd;
- (l) Pitt & Giblin Pty Ltd;
- (m) Veris Limited
- (n) Cardno Limited
- (o) Drilling & Coring Pty Ltd (trading as KMR Drilling)
- (p) North Barker Ecosystem Services Pty Ltd; and

(q) Helicopter Resources (Tasmania) Pty Ltd.

Authorised Purpose means for the purpose of enabling an application under the *Land Use Planning and Approvals Act 1993* (Tas) for a permit, in relation to a project, to be made by the Proponent.

Department means the department responsible to the Minister in relation to the administration of the Act.

destructive, in respect of any activity, means an activity that involves the deliberate cutting or crushing of vegetation or the removal, relocation, breaking up or drilling of rocks or boulders.

Minister means the Minister administering the Act.

Proponent means the Mount Wellington Cableway Company Pty Ltd (ACN 607 312 532).

project has the same meaning as in the Act.

public land has the same meaning as in the Act.

Secretary means the Secretary of the Department (and includes an Acting Secretary of the Department).

Site means the area marked in yellow in Annexure A.

Specified Drone means an aerial photographic drone.

Wellington Park has the same meaning as in the *Wellington Park Act 1993* (Tas).

Trust means the Wellington Park Management Trust established under section 9 the *Wellington Park Act 1993* (Tas).

2. In this instrument:
 - (a) the plural includes the singular and vice versa;
 - (b) a reference to any gender includes all genders; and
 - (c) other parts of speech and grammatical forms of a word or phrase defined in this instrument have a corresponding meaning.
3. In this instrument, where an area or location is defined by reference to an image in an Annexure and geo-spatial co-ordinates, the geo-spatial co-ordinates prevail over the image in the event of any inconsistency.

Commencement of Authorised Activities

4. The Proponent must:
 - (a) prior to the commencement of any destructive Authorised Activities on the Site, give the Minister at least 5 business days' notice, in writing, of the date the Proponent intends to commence those activities;
 - (b) prior to the commencement of any other Authorised Activities on the Site, give the Minister at least 24 hours' notice, in writing, of the date the Proponent intends to commence those activities; and
 - (c) notify the Minister, in writing, of the actual commencement any Authorised Activity on the Site, on the day that the activity commences.

If the Proponent does not commence an Authorised Activity on the Site within 21 days after a notice given for the purposes of paragraph 4(a) or (b), the Proponent must

give another notice in accordance with paragraph 4(a) or (b) prior to the commencement of the Authorised Activities on that Site.

5. Any notice under paragraph 4(a) must include the precise location and nature of the destructive Authorised Activities to be undertaken and the impact of the proposed activities on the Site.
6. The Proponent must not commence any Authorised Activity on the Site until the Proponent has lodged with the Department a safety management plan for the safety of members of the public in relation to any Authorised Activities on the Site (being a plan that is in a form and substance approved, in writing by the Secretary). The safety management plan must set out how the Proponent will undertake the Authorised Activities, in relation to the Site, in a safe manner.

Conduct of Authorised Activities

7. Subject to paragraph 4, all Authorised Activities in relation to the Site must be completed within 60 days of the commencement of any Authorised Activity on the Site.
8. The Minister may, at the request of the Proponent or otherwise, grant an extension of the time limit in paragraph 7, for such period as the Minister considers reasonable, where the Proponent's ability to carry out any Authorised Activity is adversely affected by circumstances beyond the reasonable control of the Proponent and the Authorised Persons.
9. An Authorised Activity must only be conducted for the Authorised Purpose.
10. The Proponent and each Authorised Person must comply with each Access Restriction which is applicable to the Site.
11. The authority conferred by this instrument expires on the second anniversary of the date of this instrument.
12. Except to the extent not required by section 7 of the Act, the Proponent and all Authorised Persons must comply with all applicable laws when carrying out any Authorised Activity (including, but not limited to, obtaining any other required approvals under other legislation).
13. The Minister may, at the request of the Proponent or otherwise, amend any co-ordinates specified in this instrument in relation to the Site, by notice to the Proponent.
14. The Proponent may in conducting any flora or fauna survey as part of the Authorised Activities take and remove such samples as may be reasonably necessary for the Authorised Purpose.
15. The Minister may at any time direct the Proponent to cease or not to undertake, or may impose any additional conditions the Minister considers fit on, any destructive Authorised Activity.
16. Any unanticipated environmental or heritage discoveries or impacts of the Authorised Activity must be immediately notified to the Minister and no further work shall be undertaken that may affect the discovered or impacted environmental or heritage values without the approval of the Minister.
17. The Proponent must erect appropriate temporary signage and barriers to ensure public safety during the carrying out of the Authorised Activities on the Site.

18. The Proponent and each Authorised Person must, in connection with the conduct of each Authorised Activity, exercise due caution and care for other users of Wellington Park or the Site to ensure that the safety of other users is not compromised.
19. The Proponent must, when carrying out Authorised Activities, comply with the safety management plan approved by the Secretary (pursuant to paragraph 5) in respect of those Authorised Activities.
20. A report on the work undertaken by the Proponent pursuant to this instrument must be provided to the Minister by the Proponent at the completion of the Authorised Activities. The report must include the location and details of all activities undertaken and pre- and post- works photographic evidence of all destructive Authorised Activities.

Use of remotely piloted aircraft (“drones”)

21. The Specified Drone must only be operated in daylight, in visual line of sight of the remote pilot.
22. Any operator of the Specified Drone must be certified and registered with CASA and operate in accordance with CASA regulations. The Proponent must ensure that any use of the Specified Drone complies with all applicable Local, State or Commonwealth regulatory requirements for operation of the aircraft.
23. Any operator of the Specified Drone must minimise the impact of the Specified Drone on wildlife.
24. An observer must accompany the operator of the Specified Drone and undertake the role of helicopter and bird spotter. The operator of the Specified Drone must immediately land the aircraft if any raptor (eagle and other birds of prey) or other large bird, flock of birds or aircraft is present.

Protection and rehabilitation of Wellington Park and the Site

25. No tracks are to be made or cut for the purpose of allowing access to, egress from or movement around, the Site.
26. The Proponent must ensure that, prior to the commencement of the Authorised Activities, all personnel who will be involved in carrying out those activities have been provided with and read the 'Working in Wellington Park Induction Kit' (*Wellington Park Management Trust*).
27. The Proponent must maintain a register of all personnel who are involved in carrying out Authorised Activities, including confirmation that each person has completed all necessary inductions and training.
28. If any threatened flora or fauna, critical habitat of threatened fauna, or items of aboriginal or cultural heritage are found in the course of undertaking an Authorised Activity, the Proponent must:
 - (a) notify, in writing, the Department of those matters;
 - (b) not continue with the Authorised Activity without the prior written permission of the Department; and
 - (c) otherwise comply with all applicable laws related to such flora or fauna or heritage.

29. The Proponent and each Authorised Person must use reasonable endeavours to minimise damage to Wellington Park and the Site arising from the Authorised Activities.
30. Any damage to Wellington Park or the Site caused by the Proponent or an Authorised Person (including but not limited to damage caused by an Authorised Activity) must be rehabilitated by the Proponent in accordance with any directions given by the Department, and otherwise to the satisfaction of the Department.
31. No Authorised Activity may be carried out on any day when Wellington Park is closed to the general public for any reasons to do with fire safety, or on day that is declared to be a day of total fire ban (being ban that affects any land within Wellington Park).

Vehicle movements

32. In the carrying out an Authorised Activity, the Proponent and Authorised Persons must comply with:
 - (a) all traffic signs and restrictions within Wellington Park and the Site; and
 - (b) any directions given by the Trust or the Hobart City Council in relation to the use of fire trails (within Wellington Park and the Site).
33. Vehicles must not be driven off any formed road, car park areas, fire trails and established vehicle tracks, except where allowed for by this instrument or with the approval of the Trust.
34. Access to and use of fire trails (within Wellington Park) must be arranged with the Trust. No Authorised Activity may be carried out in a manner that prevents or impedes access to, or use of, any fire trail or other emergency infrastructure when required by the Trust or any emergency service.

Pollution, weed and disease control

35. All vehicles, machinery and other equipment used for an Authorised Activity must be well maintained and include 'spill kits' to manage, control and mitigate any fuel or oil leaks.
36. All vehicles, machinery and other equipment used for an Authorised Activity must be thoroughly cleaned before entering Wellington Park in accordance with the *Weed and Disease Planning and Hygiene Guidelines* (DPIPWE, 2015).
37. No machinery, equipment or rubbish is to be left within Wellington Park or the Site (except to the extent that machinery or equipment is left in place for the purposes of carrying out an Authorised Activity in accordance with this instrument).

Insurance

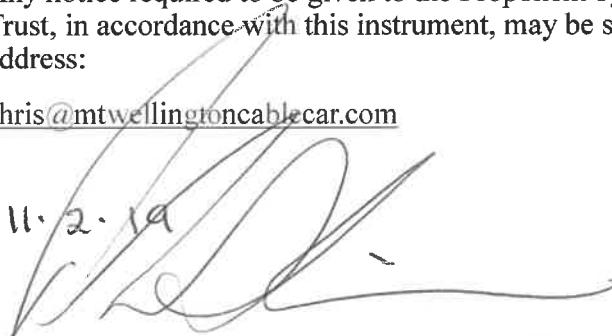
38. The Proponent must lodge with the Secretary evidence (in a form and substance satisfactory to the Secretary) that the Proponent holds a public liability insurance policy (with an insurer authorised to carry on insurance business in Australia) for an amount of at least \$20,000,000, and otherwise on terms and conditions, acceptable to the Secretary. The policy must indemnify the Proponent and each Authorised Person in respect of liability to third parties (including but not limited to the Trust and Hobart City Council) for death, personal injury or property damage arising out of or in connection with any Authorised Activity.

39. The Proponent must not commence any Authorised Activity until the Proponent has complied with paragraph 38 and the Secretary has notified, in writing, the Proponent that the insurance policy is acceptable to the Secretary.

General

40. This instrument may be revoked, or amended, at any time by the Minister.
41. Any notice required to be given by the Proponent to the Minister or the Secretary, in accordance with this instrument, is to be sent by email to the following email address:
cs@stategrowth.tas.gov.au
42. Any notice required to be given by the Proponent to the Trust, in accordance with this instrument, is to be sent by email to the following email address:
axel@wellingtonpark.org.au
43. Any notice required to be given to the Proponent by the Minister, the Secretary or the Trust, in accordance with this instrument, may be sent by email to the following email address:
chris@mtwellingtoncablecar.com

Dated: 11.2.19



THE HONOURABLE PETER CARL GUTWEIN MP
Minister for State Growth

Attachment 1

Column 1 Site	Column 2 Authorised Activity	Column 3 Access Restrictions to the Site
1.	<p>Each of the following is an Authorised Activity in relation to the Site:</p> <ul style="list-style-type: none"> (a) placement of temporary markers to verify proposed terminal building envelope; (b) conduct of a flora survey; (c) conduct of a fauna survey; and (d) use of the Specified Drone in the course of undertaking the above flora and fauna survey. 	<ul style="list-style-type: none"> (a) All Authorised Persons must access and leave the Site: <ul style="list-style-type: none"> (i) on foot from Wellington Park; or (ii) otherwise by agreement with Hobart City Council. (b) All machinery, equipment and tools required for an Authorised Activity in relation to the Site must be carried by hand to, and from, the Site.

