

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

## Section 7 – Authority to enter land (Wellington Park)

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 each Site;
- (b) an authority to carry out each Authorised Activity in relation to a 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).

**Activity 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 4 of the same row of that table.

**Authorised Activity** means, in relation to a Site specified in column 1 of a row in the table in Attachment 1, an activity specified in column 2 of the same row of that table.

**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; and
- (l) Pitt & Giblin 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.

**Lower Natural Zone Works Area** means the area marked in red in Annexure B.

**Lower Natural Zone Bore Hole Reference Locations** mean the locations B2.1, B2.2, B2.3 and B2.4 in Annexure B.

or such other locations as may be set by the Minister pursuant to paragraph 13.

**Minister** means the Minister administering the Act.

**Natural Zone Survey Area** means the area marked in yellow in Annexure B.

**Pinnacle Works Area** means the area marked in orange in Annexure A:

**Pinnacle Bore Hole Reference Locations** mean the locations A1.1, A1.2, A1.3, A1.4, A1.5, A1.6, A1.7 and A1.8 in Annexure A.

or such other locations as may be set by the Minister pursuant to paragraph 13.

**Pinnacle Survey Area** means the area marked in yellow in Annexure A.

**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.

**Recreation Zone Works Area** means the area marked in orange in Annexure C.

**Recreation Zone Bore Hole Reference Locations** mean Recreation Zone Terminal Bore Hole Reference Locations and Recreation Zone Tower Bore Hole Reference Locations.

**Recreation Zone Survey Area** means the area marked in yellow in Annexure C.

**Recreation Zone Terminal Bore Hole Reference Locations** mean the locations C1.1, C1.2, C1.3, C2.1, C2.2, C2.3, C2.4 and C2.5 in Annexure C.

or such other locations as may be set by the Minister pursuant to paragraph 13.

**Recreation Zone Tower Bore Hole Reference Locations** mean the locations C3.1, C3.2, C3.3, C3.4, C4.1, C4.2, C4.3, and C4.4 in Annexure C.

or such other locations as may be set by the Minister pursuant to paragraph 13.

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

**Site** means a site (on public land within Wellington Park) specified in column 1 of the table in Attachment 1.

**Specified Drilling Rig** means an LF<sup>TM</sup>70 Diamond Core Fly Drill or similar drill approved by the Secretary.

**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).

**Upper Natural Zone Works Area** the area marked in orange in Annexure B.

**Upper Natural Zone Bore Hole Reference Locations** mean the locations B1.1, B1.2, B1.3 and B1.4 in Annexure B.

or such other locations as may be set by the Minister pursuant to paragraph 13.

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

If the Proponent does not commence an Authorised Activity on a 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 each proposed activity on its Site.
6. The Proponent must not commence any Authorised Activity on a 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 that 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 a Site, in a safe manner.

#### *Conduct of Authorised Activities*

7. Subject to paragraph 4, all Authorised Activities in relation to a Site must be completed within 60 days of the commencement of any Authorised Activity on that 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 a Site and with each Activity Restriction which is applicable to an Authorised Activity.
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 coordinates specified in this instrument in relation to any Works Area, Survey Area or Bore Hole Reference Location, 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 a 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 to ensure that the safety of other users is not compromised.
19. The Proponent must ensure that appropriate erosion control measures are in place during the carrying out of any Authorised Activity whenever there is a risk of rainfall sufficient to cause runoff.
20. The Proponent must give to the Trust and Secretary a detailed flight plan and operations schedule for the operation of any helicopter, within Wellington Park, in connection with an Authorised Activity. The detailed flight plan and operations schedule must be provided by the Proponent to the Trust and the Secretary at least 48 hours' before the commencement of a helicopter flight in accordance with that flight plan and operations schedule. No helicopter is to be operated in connection with an Authorised Activity except in accordance with a detailed flight plan and operations schedule provided by the Proponent to the Trust and the Secretary in accordance with this paragraph.
21. The Trust may direct the Proponent not to operate a helicopter, at a time specified in an operations schedule, because of other activities in Wellington Park. The Proponent must comply with any such direction.



22. Except in an emergency, nothing in this instrument authorises any helicopter involved in an Authorised Activity to land in Wellington Park.
23. 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.
24. 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”)*

25. The Specified Drone must only be operated in daylight, in visual line of sight of the remote pilot.
26. 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.
27. Any operator of the Specified Drone must minimise the impact of the Specified Drone on wildlife.
28. 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*

29. No tracks are to be made or cut within Wellington Park for the purpose of allowing access to, egress from or movement around, any Site.
30. 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).
31. 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.
32. Prior to the commencement of any Authorised Activity, each Site must be checked for the presence of threatened flora or fauna, critical habitat of threatened fauna (for example, nests and dens) and aboriginal or cultural heritage. If any threatened flora or fauna, critical habitat of threatened fauna, or items of aboriginal or cultural heritage are found, the Proponent must:
  - (a) notify, in writing, the Trust of those matters;
  - (b) not commence the Authorised Activity without the prior written permission of the Trust; and
  - (c) otherwise comply with all applicable laws related to such flora or fauna or heritage.



33. The Proponent and each Authorised Person must use reasonable endeavours to minimise damage to Wellington Park (including but not limited to any Site) arising from the Authorised Activities.
34. Any damage to Wellington Park (including but not limited to any 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 Trust, and otherwise to the satisfaction of the Trust.
35. All bore holes drilled as part of an Authorised Activity, must be capped or filled in accordance with any directions given by the Trust, and otherwise to the satisfaction of the Trust.
36. 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).
37. In the carrying out an Authorised Activity, the Proponent and Authorised Persons must comply with any directions given by an authorized officer of the Trust (for the purposes of section 13 of the *Wellington Park Act 1993* (Tas)) including but not limited to directions in relation to:
  - (a) the operation of any helicopter within Wellington Park;
  - (b) the cutting or removal of vegetation within Wellington Park;
  - (c) the movement of any vehicle within Wellington Park;
  - (d) the protection and the safety of other users of Wellington Park.
38. No fires are to be lit within Wellington Park.
39. All groundwater or mud from any bore hole must be contained and removed from Wellington Park, or otherwise dispersed, in accordance with any directions given by the Trust.

#### *Vehicle movements*

40. 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
  - (b) any directions given by the Trust or the Hobart City Council in relation to the use of Pinnacle Road or fire trails (within Wellington Park).
41. 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.
42. No vehicle may be used on Pinnacle Road (within Wellington Park):
  - (a) having, in respect of any axle, an axle load exceeding 6 tonnes;
  - (b) that has more than 3 axles; or
  - (c) that is an articulated vehicle.



43. 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*

44. 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.
45. 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).
46. No machinery, equipment or rubbish is to be left within Wellington Park (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*

47. 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) for death, personal injury or property damage arising out of or in connection with any Authorised Activity.
48. The Proponent must not commence any Authorised Activity within Wellington Park until the Proponent has complied with paragraph 47 and the Secretary has notified, in writing, the Proponent that the insurance policy is acceptable to the Secretary.

*Drill core samples*

49. The Proponent must:
- (a) deposit with the Department, in accordance with any directions given by the Secretary, all drill core samples taken by, or on behalf of, the Proponent from Wellington Park pursuant to this instrument; and
  - (b) give to the Secretary, in accordance with any directions given by the Secretary, a copy of each report obtained by, or on behalf of, the Proponent, reporting as to any analysis of those drill core samples.

*General*

50. This instrument may be revoked, or amended, at any time by the Minister.
51. 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
52. 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



53. 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](mailto:chris@mtwellingtoncablecar.com)

Dated:

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**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	Column 4 Restrictions on the Authorised Activity
Pinnacle Survey Area	Each of the following is an Authorised Activity in relation to Pinnacle Survey Area: (a) conduct of a flora survey; (b) conduct of a fauna survey; and (c) use of the Specified Drone in the course of undertaking the above flora and fauna survey.	(a) All Authorised Persons must access and leave the Pinnacle Survey Area on foot from the most immediately adjacent point on Pinnacle Road.	N/A



Column 1 Site	Column 2 Authorised Activity	Column 3 Access Restrictions to the Site	Column 4 Restrictions on the Authorised Activity
2. Pinnacle Works Area	<p>Each of the following is an Authorised Activity in relation to the Pinnacle Works Area:</p> <ul style="list-style-type: none"> <li>(a) placement of temporary markers to verify proposed terminal building envelope;</li> <li>(b) construction of temporary scaffolds at, or within 5 metres of, Pinnacle Bore Hole Reference Locations to verify proposed terminal building heights;</li> <li>(c) temporary location of a water tank, not exceeding 1000 litres in capacity, for the purpose of supplying water to the Specified Drilling Rig;</li> <li>(d) laying of hoses over the surface of the ground for the purpose of supplying water to the Specified Drilling Rig while undertaking geo-technical investigations within the Pinnacle Works Area and the Upper Natural Works Area; and</li> <li>(e) geo-technical investigation, limited to: <ul style="list-style-type: none"> <li>(1) drilling a bore hole at, or within 5 metres of, each Pinnacle Bore Hole Reference Location utilising the Specified Drilling Rig; and</li> <li>(2) removal of soil and rock samples from the bore holes.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>(a) The Specified Drilling Rig must be delivered to, and removed from, the Pinnacle Works Area using a helicopter.</li> <li>(b) All machinery, equipment and tools required for an Authorised Activity in relation to the Pinnacle Works Area (except for the Specified Drilling Rig, and the water tank used to provide water to the Specified Drilling Rig) must be carried by hand to, and from, the Pinnacle Works Area.</li> <li>(c) All Authorised Persons must access and leave the Pinnacle Works Area on foot from the most immediately adjacent point on Pinnacle Road.</li> </ul>	<ul style="list-style-type: none"> <li>(a) Any bore hole must not exceed 100mm in diameter.</li> <li>(b) The water tank used to provide water to the Specified Drilling Rig must be located within the Pinnacle Works Area, adjacent to Pinnacle Road.</li> <li>(c) Where a bore hole is drilled at, or within 5 metres of, a Pinnacle Bore Location, any associated temporary scaffold must be erected at the location where the bore hole is drilled.</li> </ul>



	Column 1 Site	Column 2 Authorised Activity	Column 3 Access Restrictions to the Site	Column 4 Restrictions on the Authorised Activity
3.	Natural Zone Survey Area	<p>Each of the following is an Authorised Activity in relation to Natural Zone Survey Area:</p> <ul style="list-style-type: none"> <li>(a) conduct of a flora survey;</li> <li>(b) conduct of a fauna survey; and</li> <li>(c) use of the Specified Drone in the course of undertaking the above flora and fauna survey.</li> </ul>	<ul style="list-style-type: none"> <li>(a) All Authorised Persons must access and leave the Natural Zone Survey Area on foot from the most immediately adjacent point on Pinnacle Road (this may involve access through the Pinnacle Works Area).</li> </ul>	N/A
4.	Upper Natural Zone Works Area	<p>Each of the following is an Authorised Activity in relation to the Upper Natural Zone Works Area:</p> <ul style="list-style-type: none"> <li>(a) temporary location of a water tank, not exceeding 1000 litres in capacity, within the Pinnacle Works Area for the purpose of supplying water to the Specified Drilling Rig;</li> <li>(b) laying of hoses over the surface of the ground in the Pinnacle Works Area and the Upper Natural Zone Works Area for the purpose of supplying water to the Specified Drilling Rig</li> <li>(c) geo-technical investigation, limited to: <ul style="list-style-type: none"> <li>(1) drilling a bore hole at, or within 5 metres of, each Upper Natural Zone Bore Hole Reference Location utilising the Specified Drilling Rig; and</li> <li>(2) removal of soil and rock samples from the bore holes.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>(a) The Specified Drilling Rig must be delivered to, and removed from, the Upper Natural Zone Works Area using a helicopter.</li> <li>(b) All machinery, equipment and tools required for an Authorised Activity in relation to the Upper Natural Zone Works Area (except for the Specified Drilling Rig, and the water tank used to provide water to the Specified Drilling Rig) must be carried by hand to, and from, the Upper Natural Zone Works Area.</li> <li>(c) All Authorised Persons must access and leave the Upper Natural Zone Works Area on foot from the most immediately adjacent point on Pinnacle Road (through the Pinnacle Works Area).</li> </ul>	<ul style="list-style-type: none"> <li>(a) Any bore hole must not exceed 100mm in diameter.</li> <li>(b) The water tank used to provide water to the Specified Drilling Rig must be located within the Pinnacle Works Area, adjacent to Pinnacle Road.</li> </ul>

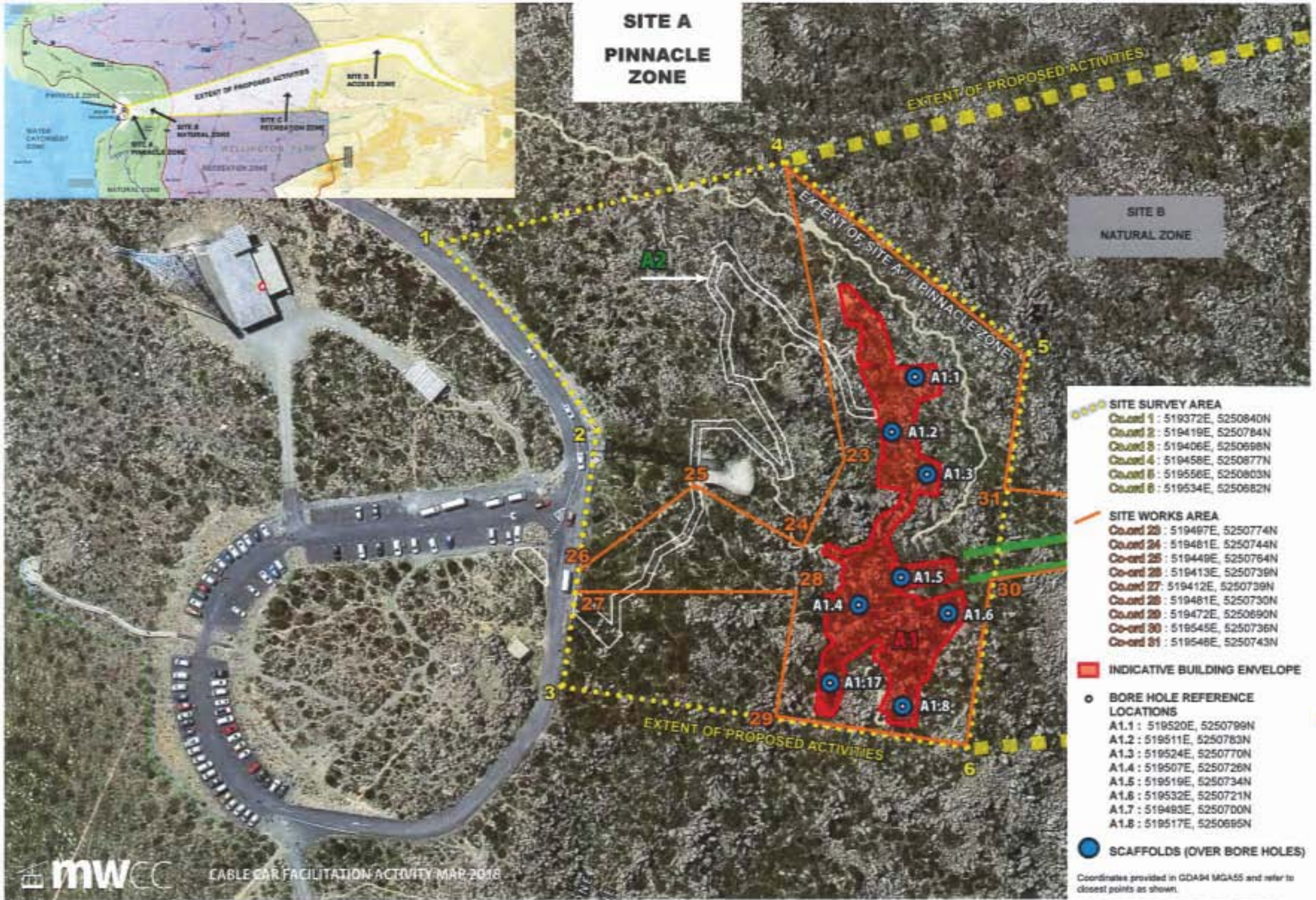


Column 1 Site	Column 2 Authorised Activity	Column 3 Access Restrictions to the Site	Column 4 Restrictions on the Authorised Activity	
5.	<p>Lower Natural Zone Works Area</p>	<p>Each of the following is an Authorised Activity in relation to the Lower Natural Zone Works Area:</p> <ul style="list-style-type: none"> <li>(a) temporary location of a water tank, not exceeding 1000 litres in capacity, for the purpose of supplying water to the Specified Drilling Rig;</li> <li>(b) laying of hoses over the surface of the ground for the purpose of supplying water to the Specified Drilling Rig</li> <li>(c) geo-technical investigation, limited to:                             <ul style="list-style-type: none"> <li>(1) drilling a bore hole at, or within 5 metres of, each Lower Natural Zone Bore Hole Reference Location utilising the Specified Drilling Rig; and</li> <li>(2) removal of soil and rock samples from the bore holes.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>(a) The Specified Drilling Rig must be delivered to, and removed from, the Lower Natural Zone Works Area using a helicopter.</li> <li>(b) All machinery, equipment and tools required for an Authorised Activity in relation to the Lower Natural Zone Works Area (except for the Specified Drilling Rig, and the water tank used to provide water to the Specified Drilling Rig) must be carried by hand to, and from, the Lower Natural Zone Works Area.</li> <li>(c) All Authorised Persons must access and leave the Lower Natural Zone Works Area on foot from the most immediately adjacent point on Pinnacle Road.</li> </ul>	<ul style="list-style-type: none"> <li>(a) Any bore hole must not exceed 100mm in diameter.</li> <li>(b) The water tank used to provide water to the Specified Drilling Rig must be located within the Lower Natural Zone Works Area, adjacent to Pinnacle Road.</li> </ul>
6.	<p>Recreation Zone Survey Area</p>	<p>Each of the following is an Authorised Activity in relation to Recreation Zone Survey Area:</p> <ul style="list-style-type: none"> <li>(a) conduct of a flora survey;</li> <li>(b) conduct of a fauna survey; and</li> <li>(c) use of the Specified Drone in the course of undertaking the above flora and fauna survey.</li> </ul>	<ul style="list-style-type: none"> <li>(a) All Authorised Persons must access and leave the Recreation Zone Survey Area on foot from the most immediately adjacent point on Pinnacle Road or Old Farm Road.</li> </ul>	<p>N/A</p>



Column 1 Site	Column 2 Authorised Activity	Column 3 Access Restrictions to the Site	Column 4 Restrictions on the Authorised Activity
7.	<p>Recreation Zone Works Area</p> <p>Each of the following is an Authorised Activity in relation to the Recreation Zone Works Area:</p> <ul style="list-style-type: none"> <li>(a) placement of temporary markers to verify proposed terminal building envelope;</li> <li>(b) temporary location of a water tank, not exceeding 1000 litres in capacity, for the purpose of supplying water to the Specified Drilling Rig;</li> <li>(c) laying of hoses over the surface of the ground for the purpose of supplying water to the Specified Drilling Rig;</li> <li>(d) geo-technical investigation, limited to:                             <ul style="list-style-type: none"> <li>(1) drilling a bore hole at, or within 5 metres of, each Recreation Zone Bore Hole Reference Location (each with a maximum diameter not exceeding 100 mm) utilising the Specified Drilling Rig; and</li> <li>(2) removal of soil and rock samples from the bore holes.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>(a) The Specified Drilling Rig must be delivered to, and removed from, each Recreation Zone Tower Bore Hole Reference Location using a helicopter.</li> <li>(b) All machinery, equipment and tools required for an Authorised Activity in relation to the Recreation Zone Works Area (except for the Specified Drilling Rig and the water tank used to provide water to the Specified Drilling Rig) must be carried by hand to, and from, the Recreation Zone Works Area.</li> <li>(c) All Authorised Persons must access and leave the Recreation Zone Works Area on foot from the most immediately adjacent point on Old Farm Road.</li> </ul>	<ul style="list-style-type: none"> <li>(a) Any bore hole must not exceed 100mm in diameter.</li> <li>(b) The water tank used to provide water to the Specified Drilling Rig must be located on a motor vehicle parked within the Recreation Zone Works Area.</li> </ul>









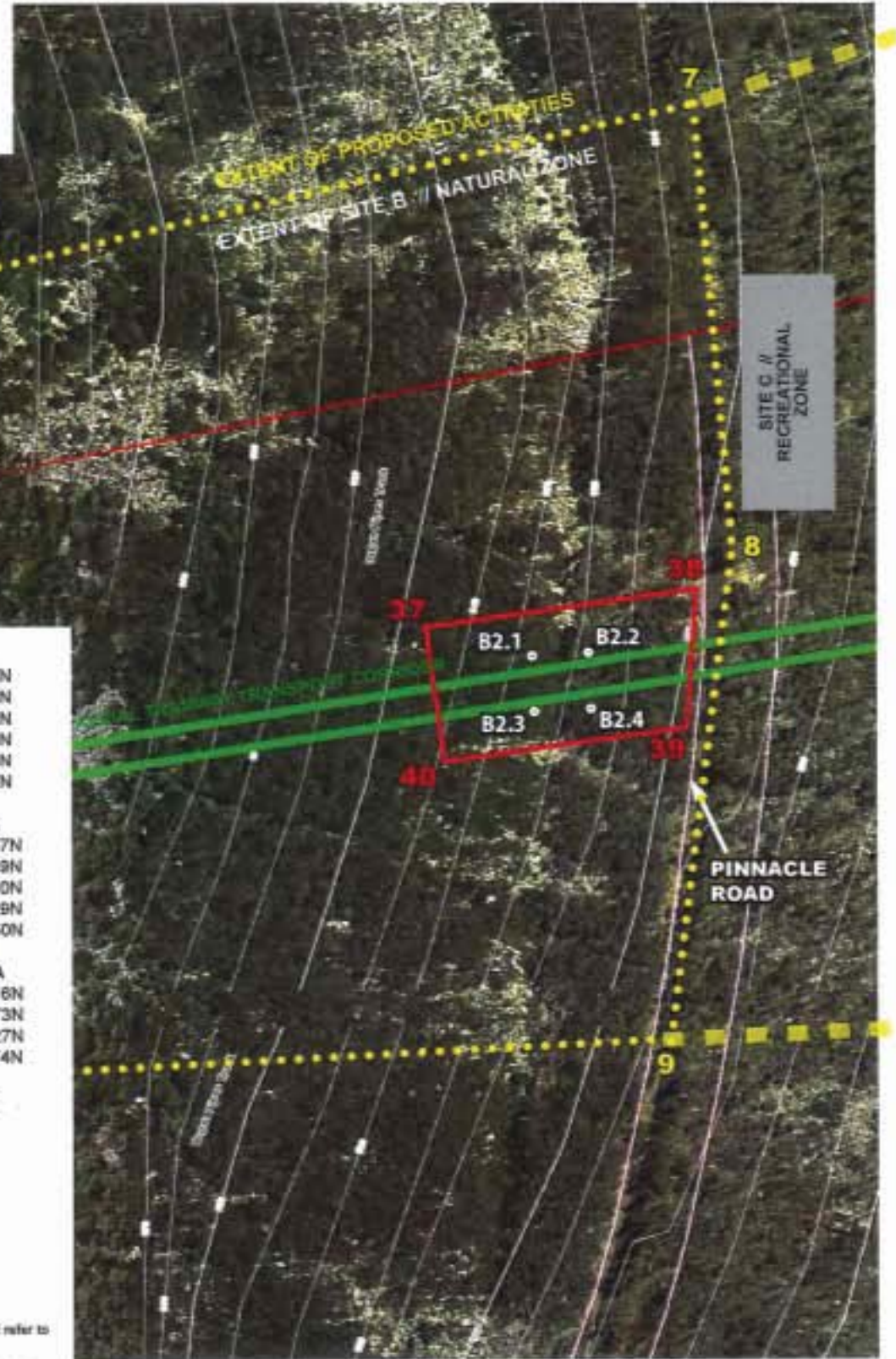
**SITE B  
NATURAL  
ZONE**



- SITE SURVEY AREA
  - Co-ord 4 : 519458E, 5250677N
  - Co-ord 5 : 519556E, 5250803N
  - Co-ord 6 : 519534E, 5250682N
  - Co-ord 7 : 519966E, 5250950N
  - Co-ord 8 : 519979E, 5250799N
  - Co-ord 9 : 519965E, 5250697N
- UPPER SITE WORKS AREA
  - Co-ord 32 : 519571E, 5250757N
  - Co-ord 33 : 519557E, 5250769N
  - Co-ord 34 : 519661E, 5250740N
  - Co-ord 35 : 519576E, 5250729N
  - Co-ord 36 : 519570E, 5250750N
- LOWER SITE WORKS AREA
  - Co-ord 37 : 519897E, 5250816N
  - Co-ord 38 : 519972E, 5250773N
  - Co-ord 39 : 519972E, 5250827N
  - Co-ord 40 : 519896E, 5250774N
- BORE HOLE REFERENCE LOCATIONS
  - B1.1 : 519616E, 5250756N
  - B1.2 : 519632E, 5250758N
  - B1.3 : 519619E, 5250744N
  - B1.4 : 519633E, 5250746N
  - B2.1 : 519931E, 5250808N
  - B2.2 : 519940E, 5250809N
  - B2.3 : 519930E, 5250791N
  - B2.4 : 519940E, 5250791N

Coordinates provided in GDA94 MGA55 and refer to closest points as shown.





DO NOT SCALE. WRITTEN CO-ORDINATES GOVERN.



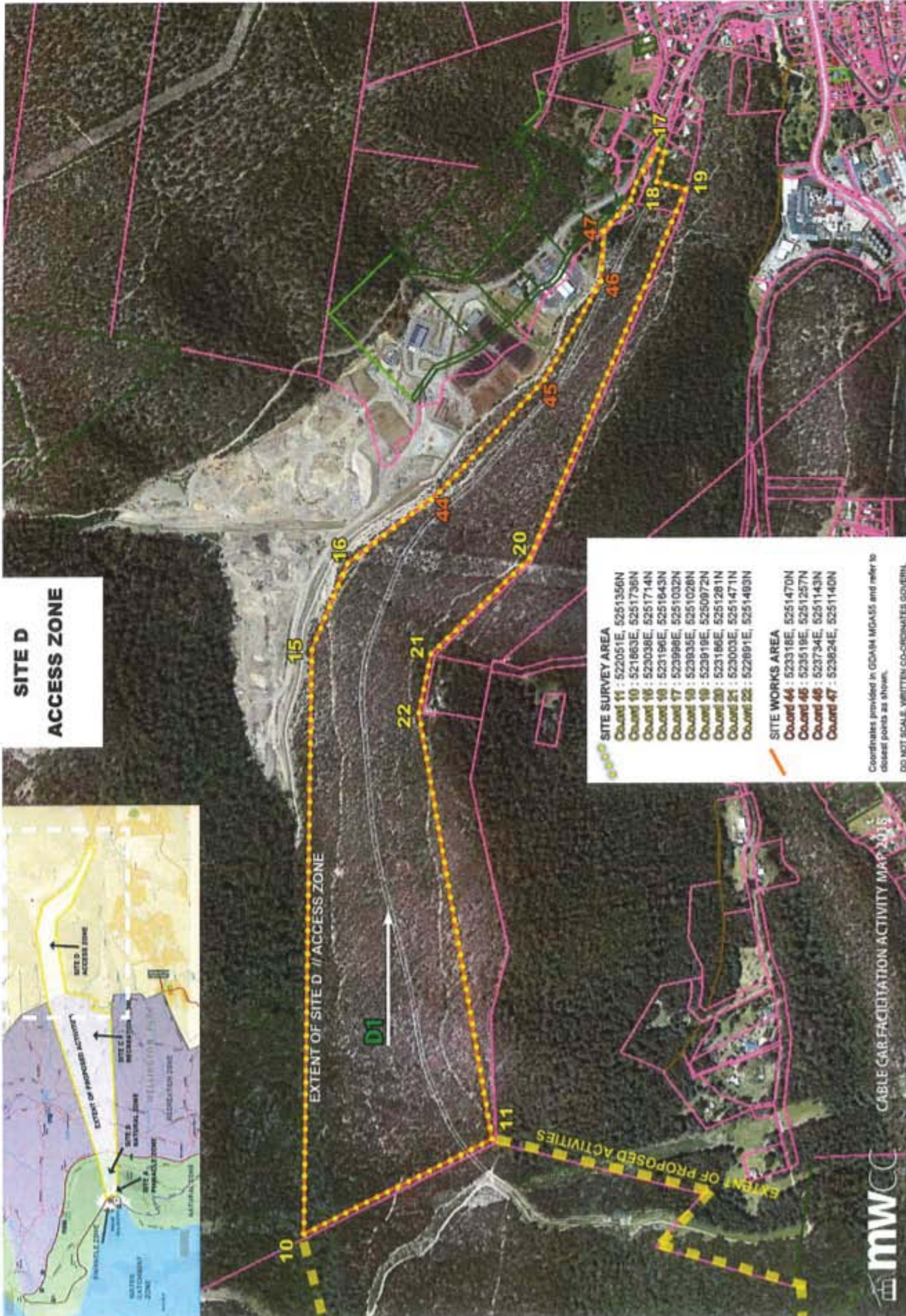




# SITE C RECREATION ZONE

	<b>SITE SURVEY AREA</b>
	Count 7 : 519969E, 5250950N
	Count 8 : 519979E, 5250799N
	Count 9 : 519965E, 5250697N
	Count 10 : 521863E, 5251738N
	Count 11 : 522051E, 5251356N
	Count 12 : 521947E, 5250954N
	Count 13 : 521845E, 5251047N
	Count 14 : 521765E, 5250778N
	<b>SITE WORKS AREA</b>
	Count 41 : 521477E, 5251011N
	Count 42 : 521474E, 5251064N
	Count 43 : 522007E, 5251445N
	<b>INDICATIVE BUILD ENVELOPE</b>
	<b>BORE HOLE REFERENCE LOCATIONS</b>
	C1.1 : 521895E 5251120N
	C1.2 : 521892E 5251096N
	C1.3 : 521905E 5251080N
	C2.1 : 521947E 5251320N
	C2.2 : 521896E 5251268N
	C2.3 : 521903E 5251169N
	C2.4 : 521864E 5251092N
	C2.5 : 521884E 5251043N
	C3.1 : 521706E 5251076N
	C3.2 : 521720E 5251079N
	C3.3 : 521709E 5251063N
	C3.4 : 521722E 5251066N
	C4.1 : 521576E 5251057N
	C4.2 : 521591E 5251060N
	C4.3 : 521579E 5251045N





**SITE D  
ACCESS ZONE**

SITE SURVEY AREA	
Coord 11	: 522051E, 5251356N
Coord 10	: 521863E, 5251736N
Coord 16	: 523038E, 5251714N
Coord 18	: 523196E, 5251643N
Coord 17	: 523998E, 5251032N
Coord 18	: 523935E, 5251028N
Coord 19	: 523919E, 5250972N
Coord 20	: 523186E, 5251281N
Coord 21	: 523003E, 5251471N
Coord 22	: 522891E, 5251493N
SITE WORKS AREA	
Coord 44	: 523318E, 5251470N
Coord 45	: 523519E, 5251257N
Coord 46	: 523734E, 5251143N
Coord 47	: 523824E, 5251140N

Coordinates provided in GDA94 MGA55 and refer to closest points as shown.  
DO NOT SCALE. WRITTEN CO-ORDINATES GOVERN.



# 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) Doppelmayer Australia Pty Ltd;
- (i) Leary & Cox Pty Ltd;
- (j) Dirt Art Pty Ltd;
- (k) Aerial Vision Australia Pty Ltd; and
- (l) Pitt & Giblin 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 6, 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*

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 heirtage.
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
  - (b) any directions given by the Trust or the Hobart City Council in relation to the use of fire trails (within Wellington Park).
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) 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](mailto:chris@mtwellingtoncablecar.com)

Dated:

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**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.	Site	Each of the following is an Authorised Activity in relation to the Site: (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.	(a) All Authorised Persons must access and leave the Site: (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.