



Blaxland and Wentworth (duplex) T-bars, Perisher Valley

Development Application Assessment
DA 21/18673

March 2022

Published by the NSW Department of Planning and Environment

dpie.nsw.gov.au

Title: Blaxland and Wentworth (duplex) T-bars, Perisher Valley

Subtitle: Development Application Assessment, DA 21/18673

Cover image: Main Range, Kosciuszko National Park (Source: Alpine Resorts Team)

© State of New South Wales through Department of Planning and Environment 2022. You may copy, distribute, display, download and otherwise freely deal with this publication for any purpose, provided that you attribute the Department of Planning and Environment as the owner. However, you must obtain permission if you wish to charge others for access to the publication (other than at cost); include the publication in advertising or a product for sale; modify the publication; or republish the publication on a website. You may freely link to the publication on a departmental website.

Disclaimer: The information contained in this publication is based on knowledge and understanding at the time of writing (March 2022) and may not be accurate, current or complete. The State of New South Wales (including the NSW Department of Planning and Environment), the author and the publisher take no responsibility, and will accept no liability, for the accuracy, currency, reliability or correctness of any information included in the document (including material provided by third parties). Readers should make their own inquiries and rely on their own advice when making decisions related to material contained in this publication.

Glossary

Abbreviation	Definition
BCA	Building Code of Australia
BC Act	<i>Biodiversity Conservation Act 2016</i>
BC Regulation	<i>Biodiversity Conservation Regulation 2017</i>
BVM	Biodiversity Values Map
Consent	Development Consent
CPP	Community Participation Plan
Department	Department of Planning and Environment
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
EPI	Environmental Planning Instrument
ESD	Ecologically Sustainable Development
KNP	Kosciuszko National Park
Minister	Minister for Planning
NPWS	National Parks and Wildlife Service
Planning Secretary	Secretary of the Department of Planning and Environment
SEPP	State Environmental Planning Policy

Executive Summary

This report provides an assessment of a Development Application (DA 21/18673) seeking approval to undertake works to the Blaxland and Wentworth (duplex) T-bars, Perisher Valley, Perisher Range Alpine Resort, within Kosciuszko National Park (KNP). The Applicant is Perisher Blue Ski Resort.

The application seeks approval to replace the uphill line (the lifts safety line) on the Blaxland and Wentworth (duplex) T-bars (consisting of underground conduits running the length of the site) while also installing additional conduits in the same trench for future provisions such as race timing cables and replacement phone lines.

On 1 March 2022, the *State Environmental Planning Policy (Kosciuszko National Park-Alpine Resorts) 2007* (the Alpine SEPP) was consolidated into the *State Environmental Planning Policy (Precincts - Regional) 2021* (known as Precincts - Regional SEPP in this report). The SEPP consolidation is administrative. No policy changes have been made.

The Minister for Planning is the consent authority for development within a ski resort in KNP and the proposal is permissible with consent under the provisions of the Precincts – Regional SEPP.

The Department of Planning and Environment (the Department) exhibited the application for 14 days between 13 January 2022 to 28 January 2022 on the Department's Planning Portal website.

The Department consulted and received comments from the National Parks and Wildlife Service (NPWS) during the assessment of the application in accordance with Clause 4.15 of Chapter 4 of the Precincts - Regional SEPP. No submissions from the public were received during the assessment of the application.

The Department has assessed the proposal in accordance with relevant matters under section 4.15(1) and the objects of the *Environmental Planning and Assessment Act, 1979* (EP&A Act), the principles of Ecologically Sustainable Development, and issues raised in all submissions.

The Department considers the proposal is acceptable as:

- the proposal would maintain the use of Blaxland and Wentworth (duplex) T-bars for the benefit of guests and visitors utilising the Perisher ski slopes
- there will not be a significant impact on any threatened species, populations or ecological communities noting the proposal utilises an existing disturbed access track to access the works area, and diverges from the existing line to avoid endangered plant species
- suitable erosion and sedimentation control measures are to be installed prior to and during the works
- the recommended conditions would require construction impacts to be minimised having regard to the existing native vegetation adjoining the site (with a construction / access corridor to be implemented), all disturbed areas to be rehabilitated following construction and an environmental officer to monitor construction works

The Department's assessment concludes the application is in the public interest as it supports the ongoing use of Blaxland and Wentworth (duplex) T-bars which supports the regional plan for the locality and maintains consistency with the Precincts - Regional SEPP.

The Department therefore recommends the application be approved subject to conditions.

Contents

1	Introduction	1
1.1	The Department's assessment	1
1.2	Site location and context	2
2	Project.....	3
3	Strategic context.....	4
4	Statutory Context.....	5
4.1	Consent Authority.....	5
4.2	Permissibility	5
4.3	Other approvals.....	5
4.4	Mandatory Matters for Consideration.....	5
5	Engagement.....	9
6	Assessment	10
6.1	Impacts on biodiversity.....	10
6.2	Other Issues	13
7	Evaluation.....	14
8	Recommendation.....	15
9	Determination.....	16
	Appendices	17
	Appendix A – List of referenced documents	17
	Appendix B – Statutory Considerations	18
	Appendix C – Recommended Instrument of Consent	22

1 Introduction

1.1 The Department's assessment

This report contains the Department's assessment of Development Application (DA 21/18673) at Blaxland and Wentworth (duplex) T-bars, Perisher Valley, Perisher Range Alpine Resort, within KNP.

Perisher Blue Ski Resort (the Applicant) seeks approval to replace the uphill line (the lifts safety line) on the Blaxland and Wentworth (duplex) T-bars (consisting of underground conduits running the length of the site) while also installing additional conduits in the same trench for future provisions such as race timing cables and replacement phone lines - **Figure 1**.

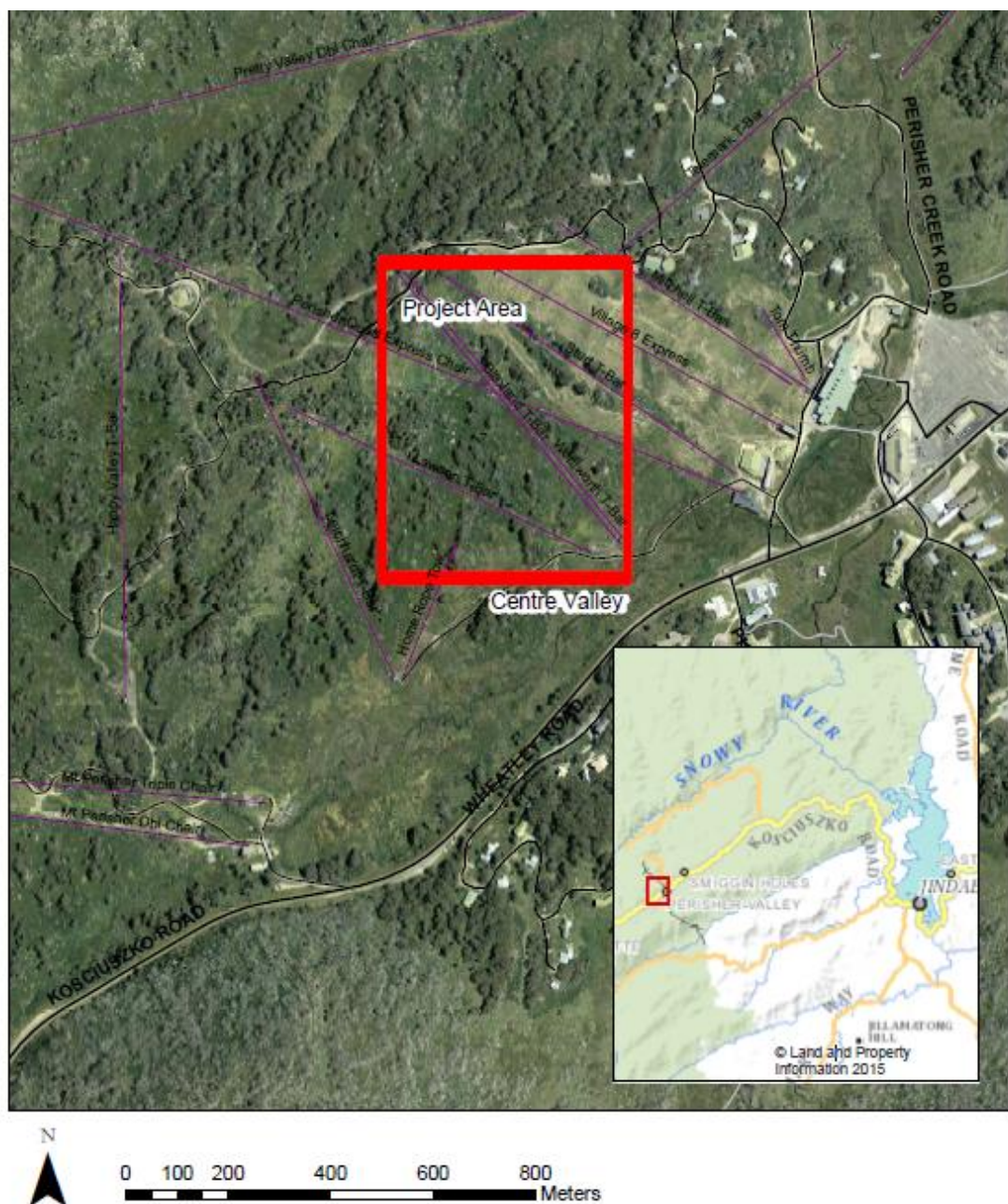


Figure 1 | Location of site (highlighted) in context of adjoining lodges and the Front Valley ski area (Source: Applicant's documentation)

The Department's assessment considers all documentation submitted by the Applicant, including the Statement of Environmental Effects (SEE), and submissions from government authorities. The Department's assessment also considers the legislation and planning instruments relevant to the site and the development.

This report describes the development, surrounding environment, relevant strategic and statutory planning provisions and the issues raised in submissions. The report evaluates the key issues associated with the development and concludes that the development is in the public interest and should be approved, subject to conditions.

1.2 Site location and context

The site is located in Perisher Range Alpine Resort, which is in the southern part of KNP. Perisher is a winter based tourist destination incorporating a number of ski areas, including Front Valley that provides beginner and intermediate skiing options.

The development site is located in Front Valley and comprises the Blaxland and Wentworth (duplex) T-bars that provides ski access up front valley, crossing underneath Perisher Quad Express Chair. The site is a previously disturbed lift line containing footings for the T-bars, exotic grasses and native vegetation (**Figure 2**).

Nearby development to the site includes the main perisher resort complex at the base of front valley, to the north of the base of the T-bar duplex.



Figure 2 | Existing vegetation and T-bar towers, with proposed trench alignment indicated in red (Source: Applicant's documentation)

2 Project

The application seeks approval to replace the uphill line (the lifts safety line) on the Blaxland and Wentworth (duplex) T-bars (consisting of underground conduits running the length of the site) while also installing additional conduits in the same trench for future provisions such as race timing cables and replacement phone lines.

The proposed works include (as taken from the Applicant's SEE):

- Site preparation and installation of environmental controls (including a 4.5 metre wide trenching corridor enabling access for a 6 tonne excavator);
- Site access from the established Centre Valley Access Track above;
- Trenching from the Bullwheel on the uphill side of the Centre Valley Access Track, connecting via a lateral to the Top Hut, and continuing downhill to the Race Hut between Towers 1 and 2;
- Trenching of a lateral conduit line to Tower 6 of the Perisher Quad Express to allow linking of the Express derail system with the Duplex T-bar safety circuit;
- Installation of electrical pits at lateral connections and at each tower (plastic pits being at a similar depth to the excavation being 408mm with a width of 230mm and length of 520mm);
- Progressive placement of conduit in trench;
- Progressive reinstatement of access track, sod replacement and stabilisation;
- Installation and connection of the Uphill Line;
- Egress via the Leichhardt Access Track below, with site stabilisation and rehabilitation, as required.

Trench dimensions will be 300mm wide x 500mm deep, with 3 x 50mm conduits and 1 x 150mm conduits to be installed in the trench, allowing easy repairs of any future faults without excavation. A cross-section of the proposed trench is shown below – **Figure 3**.

The proposal has a cost of works of approximately \$35,500.

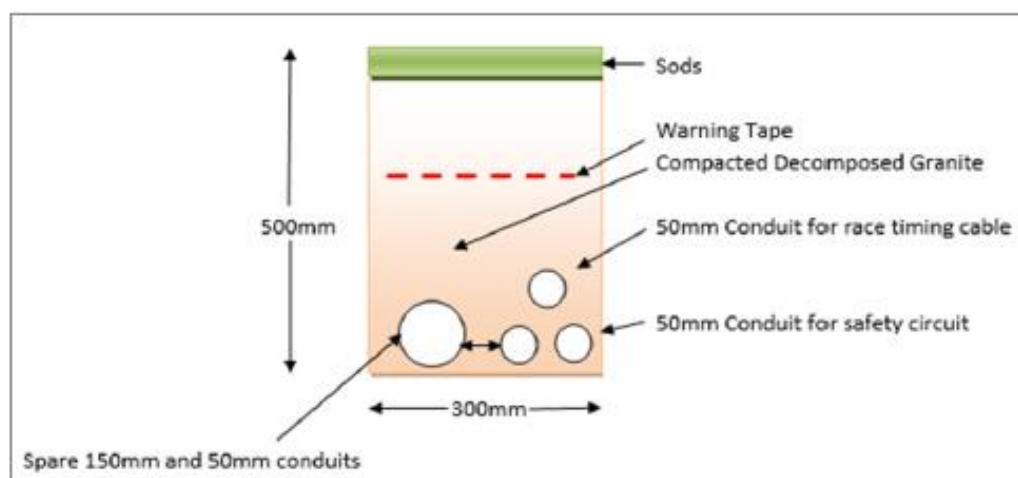


Figure 3 | Trench section (Source: Applicant's documentation)

3 Strategic context

The Snowy Mountains region offers a diverse and unique mix of visitor destinations including the KNP, the alpine resorts, the iconic Snowy River and the highest mountains on the Australian continent. A strong tourism economy is driven mainly by skiing and related winter sport experiences during the peak winter season. The region, including the alpine resorts, also provides opportunities for a range of other recreational activities during the warmer months such as hiking, fishing, kayaking and mountain-biking. The resorts are important to NSW due to their economic and social contribution as well as their location within a unique alpine environment. The two main documents that support the strategic context of the alpine resorts are the *South East and Tableland Regional Plan 2036* and the *Precincts - Regional SEPP*.

South East and Tableland Regional Plan 2036

The South East and Tableland Regional Plan 2036 describes the vision, goals and actions that will deliver greater prosperity for those who live, work and visit the region. The plan provides an overarching framework to guide more detailed land use plans, development proposals and infrastructure funding decisions. The alpine region is addressed primarily under Direction 3, to 'Develop the Snowy Mountains into Australia's premier year-round alpine destination'.

In relation to the alpine resorts, the Regional Plan seeks to promote more diverse tourism opportunities in the Snowy Mountains that will strengthen long-term resilience while acknowledging the environmental and cultural significance of the locality.

The Department considers the proposal is consistent with the Regional Plan as it ensures the ongoing operation of Blaxland and Wentworth (duplex) T-bars for the benefit of visitors to Perisher Range Alpine Resort, which maintains and supports visitation to the NSW ski resorts. The proposal has also minimised its impact on the unique environment through utilising an existing track to access the site.

Precincts - Regional SEPP

The Precincts - Regional SEPP governs development on land within the ski resort areas of KNP. The SEPP aims to protect the natural and cultural heritage of land within the resorts and to encourage environmentally sustainable development. Under the provisions of Chapter 4 of the Precincts - Regional SEPP, the National Parks and Wildlife Service (NPWS) have a role as the land manager which includes administering the Plan of Management framework for KNP that incorporates objectives, principles and policies to guide the long-term management of the broad range of values found in the park.

The Department considers the proposal is consistent with the Precincts - Regional SEPP as the proposal minimises native vegetation impacts through utilising existing disturbed area, while rehabilitating areas of disturbance at the completion of works.

4 Statutory Context

4.1 Consent Authority

Under clause 4.6 of the Precincts - Regional SEPP, the Minister for Planning is the consent authority for the application as the development takes place within a ski resort area as referred to in clause 32C (2)(a) of Schedule 1 to the *Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017*.

In accordance with the Minister's delegation of 9 March 2022, the Team Leader, Alpine Resorts Team may determine the application as:

- no reportable political donation has been disclosed
- there are less than 15 public submissions in the nature of objections.
- the application is in relation to land which Chapter 4 of the Precincts - Regional SEPP applies

4.2 Permissibility

The proposal includes replacement of the uphill line (and inclusion of other conduits in the excavation) as part of an existing T-bar duplex consistent with the definition of 'lifting facilities' as defined in the Precincts - Regional SEPP. Pursuant to clause 4.9 of the Precincts - Regional SEPP, 'lifting facilities' is permissible with consent within the land use table of Perisher Range Alpine Resort.

4.3 Other approvals

Environment Protection and Biodiversity Conservation Act 1999

Under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), the Commonwealth Government is required to assess and approve a development if it is likely to impact on a matter of national environmental significance.

The Applicant comments that none of the factors under the EPBC Act are considered to result in impacts which would be considered significant under the guidelines applying to the EPBC Act in the SEE submitted with the application.

The Department has reviewed this comment and the scope of the works and is satisfied that a referral to the Commonwealth Environment Minister is not necessary.

4.4 Mandatory Matters for Consideration

Objects of the EP&A Act

In determining the application, the consent authority is to consider whether the proposal is consistent with the relevant objects of the EP&A Act. The Department has considered the proposal against the relevant objects of the EP&A Act in **Appendix B**.

The Department is satisfied the proposal is consistent with the objects as:

- the works are aimed at promoting the orderly and economic use of the site through providing the replacement of conduits along the existing T-bar for the benefit of visitors
- there would not be an unacceptable impact on the environment thus being ecologically sustainable development, with impacts upon native vegetation limited where possible
- the proposal does not impact upon cultural heritage, including Aboriginal cultural heritage, being along previously disturbed land
- the application is capable of achieving compliance with relevant construction standards

Ecologically Sustainable Development (ESD)

The EP&A Act adopts the definition of ESD found in the *Protection of the Environment Administration Act 1991*. ESD initiatives and sustainability have been adequately considered by the Applicant and mitigation measures are proposed to be incorporated into the design.

The proposal is consistent with the ESD principles and the Department is satisfied the proposed works have been developed having regard to the ESD principles, in accordance with the objects of the EP&A Act as follows:

- the proposal does not pose a threat of serious or irreversible environmental damage and potential impacts have been identified, with mitigation measures and environmental safeguards recommended
- the proposal is not expected to adversely impact upon the health, diversity or productivity of the environment for future generations
- the Department's assessment has noted that the proposal endeavours to minimise environmental impacts where possible utilising an existing disturbed access track and parking machinery out of sensitive wet areas around the conduits
- the proposal does not impact upon cultural heritage, including Aboriginal cultural heritage

Biodiversity Conservation Act 2016

Section 1.7 of the EP&A Act requires the application of the *Biodiversity Conservation Act 2016* (BC Act) in connection with the terrestrial environment. The BC Act introduced a Biodiversity Offsets Scheme (BOS) that applies when:

- the amount of native vegetation being cleared exceeds a certain threshold area; or
- the impacts occur within an area mapped on the Biodiversity Values Map (BVM) published by the Minister for Environment; or
- the 'test of significance', in section 7.3 of the BC Act, identifies that the development or activity is likely to significantly effect threatened species or ecological communities, or their habitats; or
- the works are carried out in a declared area of outstanding biodiversity value.

The proposed works are expected to impact upon 1,600m² of native vegetation, parts of which are already heavily modified. Approximately 900m² of existing roads and exotic grassland will also be disturbed. This is below the threshold of 10,000m² for the site.

The Applicant advises that the proposed works would however impact an area identified as having high biodiversity value on the Biodiversity Values Map (BVM) – **Figure 4**. The Applicant lodged a Biodiversity Development Assessment Report (BDAR) outlining the vegetation impacts of the proposed works. Further consideration assessment of the BDAR is provided in **Section 6**.

The BDAR also determined that the proposal is unlikely to have a significant impact on matters of National Environmental Significance (MNES) or Commonwealth land, and a referral to the Commonwealth Environment Minister is therefore not required.

There is currently no declared area of outstanding biodiversity value within KNP.

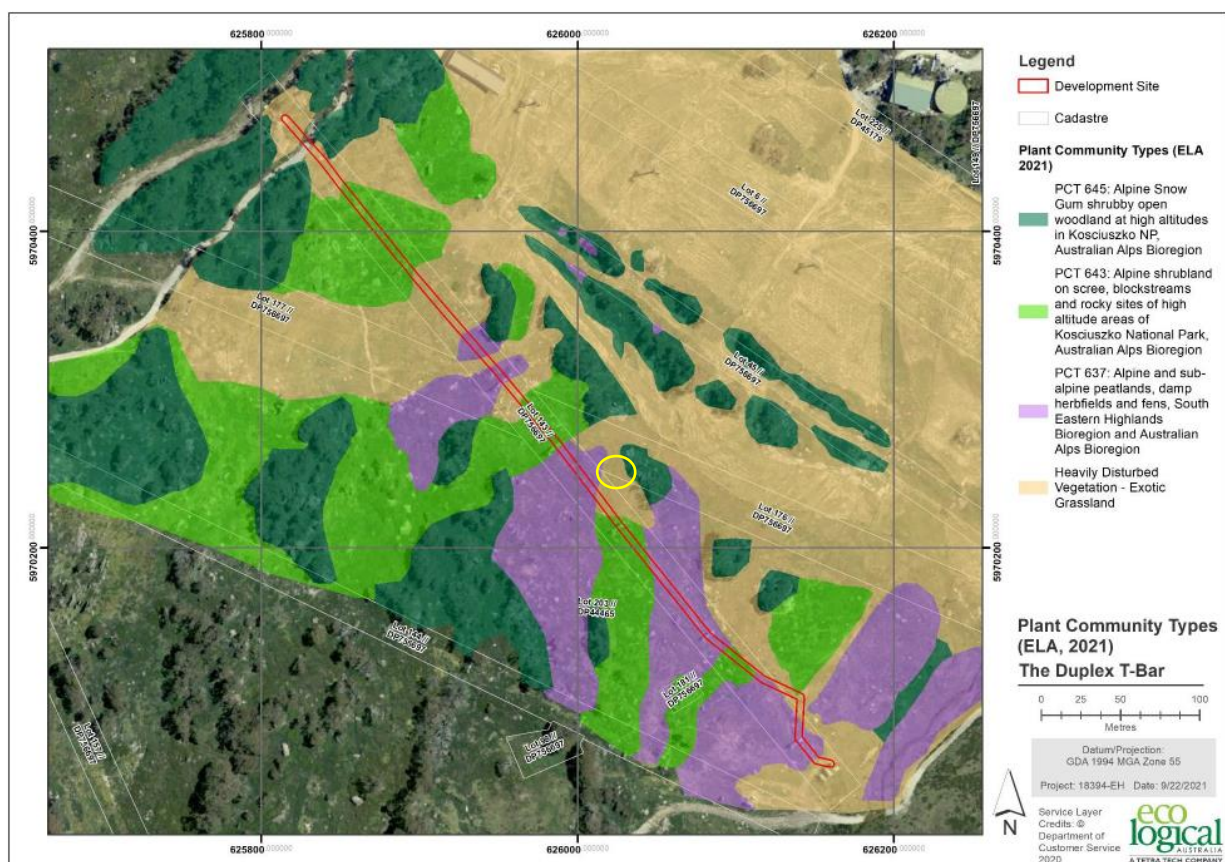


Figure 4 | Illustrates the site as containing high biodiversity value (Source: applicant's documentation)

Considerations under section 4.15 of the EP&A Act

Under section 4.15 of the EP&A Act, in determining a development application, a consent authority is required to take a number of matters into consideration in relation to the proposed development. The Department has given due consideration to the matters prescribed by section 4.15 as outlined in **Table 1** below.

The table represents a summary for which consideration is provided for in **Section 6** (Assessment) and relevant appendices or other sections of this report, referenced in the table.

Table 1 | Section 4.15(1) Matters for Consideration

Section 4.15(1) Evaluation	Consideration
(a)(i) any environmental planning instrument (EPI)	The Precincts - Regional SEPP is the applicable EPI which applies to the site for this type of development. An assessment against the requirements of the Precincts - Regional SEPP is provided in Appendix B . The Department is satisfied that the application is consistent with the requirements of the Precincts - Regional SEPP.
(a)(ii) any proposed instrument	Not applicable.
(a)(iii) any development control plan	Not applicable.
(a)(iiia) any planning agreement	Not applicable.
(a)(iv) the regulations	The application satisfactorily meets the relevant requirements of the EP&A Regulation, particularly the procedures relating to development applications (Part 6) and fees (Part 15, Division 1). The Department has undertaken its assessment in accordance with all relevant matters as prescribed by the regulations, the findings of which are contained within this report.
(a)(v) any coastal zone management plan	Not applicable.
(b) the likely impacts of that development	The Department has considered the likely impacts of the development, with impacts to existing vegetation limited to existing disturbed areas (discussed above). The proposal is considered to have positive economic and social impacts.
(c) the suitability of the site for the development,	The site is suitable for the development and supports the ongoing use of the Blaxland and Wentworth (duplex) T-bars.
(d) any submissions made in accordance with this Act or the regulations,	Consideration has been given to agency submissions received during the assessment of the application. See Section 5 of this report.
(e) the public interest.	The works are consistent with the aim and objectives of Chapter 4 of the Precincts - Regional SEPP, would maintain its compatible to existing ski lifting infrastructure in Perisher Valley and there would not be an adverse impact on the environment. The proposal is consistent with the principles of ESD. As such, the proposal is in the public interest.

5 Engagement

The Department's Community Participation Plan, November 2019, prepared in accordance with schedule 1 of the EP&A Act requires applications of development consent to be exhibited for a period of 14 days. However, applications under Chapter 4 of the Precincts - Regional SEPP are not required to be public exhibited if the proposal relates to works which are wholly internal to a building or where the site is located more than 50 metres away from a tourist accommodation building.

However, due to the public interest and extent of native vegetation impact, the Department exhibited the application for 14 days between 13 January 2022 to 28 January 2022 on the Department's Planning Portal website.

The application was referred to the NPWS pursuant to clause 4.15 of the Precincts - Regional SEPP.

The NPWS did not object to the proposal, however raised concerns with the submitted BDAR provided with the application and sought amendments to adequately address the impacts of the proposal on threatened species known to inhabit the area, potentially present in the area and the BDAR is to accurately apply the biodiversity assessment method for certain species.

The Applicant reviewed the comments provided and resubmitted an amended BDAR (this included in part increasing the credits required to offset the impacts of the proposal), which the NPWS raised no further comments to.

Additional comments on the remaining components of the proposal were also received including, as follows:

- the site is not listed as a heritage item under the Precincts - Regional SEPP and that there will be no significant visual impacts resulting from the development. As a 'like for like' replacement of an existing lift conduits, no greater visual impact is anticipated.
- the assessment of Aboriginal Cultural Heritage has followed a suitable process and due diligence
- recommended the preparation of a rehabilitation, monitoring and maintenance plan prior to the commencement of the works
- if it is necessary to close sections of the NPWS road network within Perisher Valley to allow movement of machinery and materials then the proponent should liaise with the NPWS Perisher Team
- conditions are recommended to address access and vehicle movements, weed species management and requirements for machinery / stockpiling

The Department has considered the comments received from the NPWS in **Section 6** or through recommended conditions in the instrument of consent at **Appendix C**, including the preparation of an amended SEMP prior to commencement of works.

6 Assessment

The Department has considered the relevant matters for consideration under section 4.15 of the EP&A Act, the SEE and supporting information in its assessment of the proposal. The key issue in the Department's assessment of the proposal is the impacts on biodiversity. This is discussed below along with other minor issues.

6.1 Impacts on biodiversity

The Department has carefully considered the potential biodiversity impacts associated with the proposal given the location of the site and the sensitive nature of the flora and fauna within the alpine area. The Department's assessment of the potential environmental impacts of the proposal along with appropriate mitigation and management measures are considered below:

Endangered Species and Communities

As discussed in **Section 4.4**, the Applicant noted that the location of the proposed works is identified on the BVM as having an area of high biodiversity value (**Figure 5**), and therefore the clearing of vegetation would trigger the BOS under the BC Act.

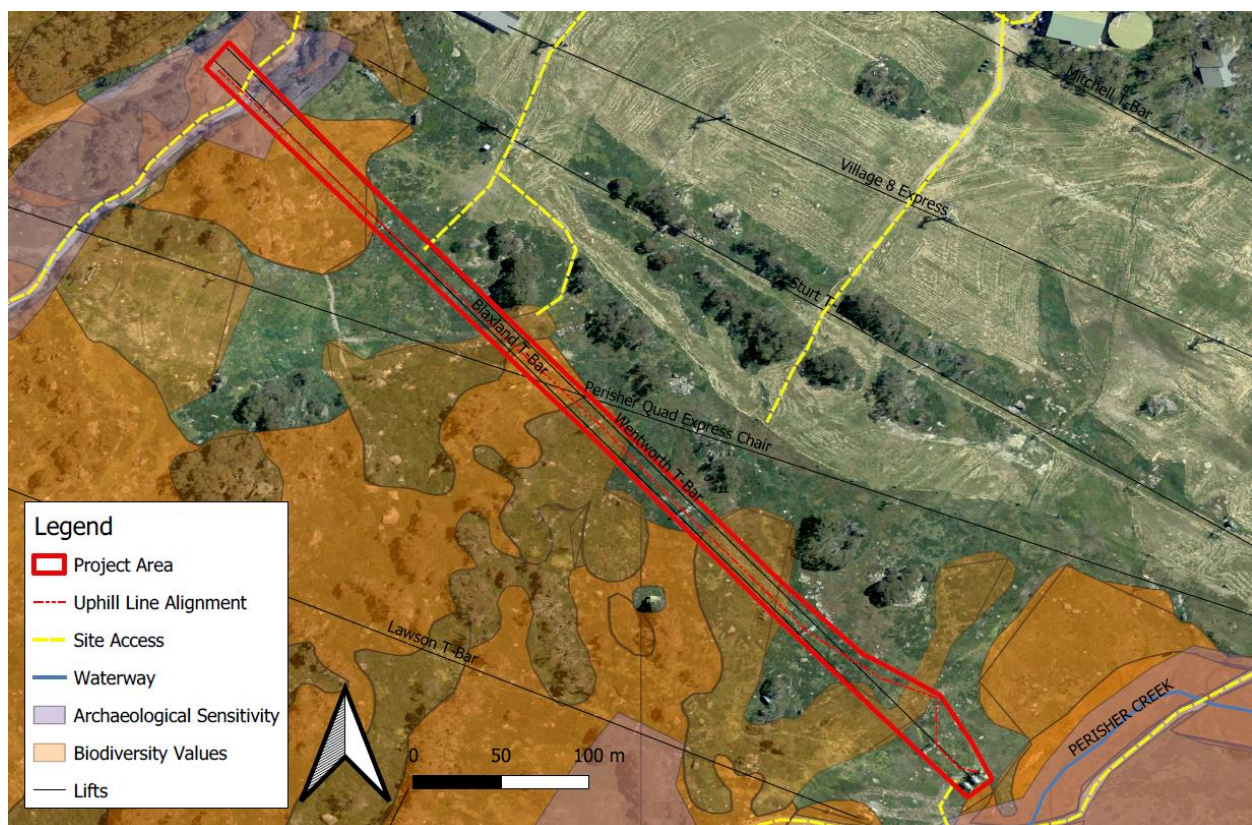


Figure 5 | Illustrates the site, proposed access and biodiversity value (Source: applicant's documentation)

The BDAR identified that the proposed development site would impact upon ,600m² of native vegetation, parts of which are already heavily modified. Approximately 900m² of existing roads and exotic grassland will also be disturbed.

The BDAR also identified that proposed development site supports two plant community type comprising the 'Alpine and sub-alpine peatlands, damp herbfields and fens, South Eastern Highlands Bioregion and Australian Alps Bioregion' and 'Alpine shrubland on scree, blockstreams and rocky sites of high altitude areas of Kosciuszko National Park, Australian Alps Bioregion'. In addition, one threatened fauna species, Broad-toothed Rat, was found to occur within the development site, while other threatened species are known to occur in adjoining habitats or have the potential to be on the site, such the Flame Robin and Alpine She-Oak Skink. The Guthega Skink was not detected during surveys of the site. The development site was found to support an estimated ten individuals of the threatened plant, *Ranunculus anemoneus* (Anemone Buttercup), with the individuals proposed to be transplanted.

The Applicant's BDAR further notes *'The residual unavoidable impacts of the proposed development were calculated in accordance with the BAM by utilising the Biodiversity Assessment Method Credit Calculator. A total of three ecosystem credits and 28 species credits are required to offset the unavoidable impacts to the vegetation and habitats present within the development footprint.'*

The BDAR also states that the proposal will not result in any Serious and Irreversible Impacts (SAIL) with respect to the principles set out in clause 6.7 of the *Biodiversity Conservation Regulation 2017*. The Department also considers that the proposal is unlikely to cause SAIL following a review of the *Guidance to assist a Decision-Maker to Serious and Irreversible Impacts 2017*.

The NPWS did not raise any concerns with the amended BDAR and has recommended environmental conditions to be included within the consent for the adoption of the BDAR including the implementation of the measures to minimise, mitigate and manage impacts and retirement of the ecosystem and species credits.

The Department has reviewed the Applicants submission and notes that the BDAR and alignment of the works seek to avoid the instances of the endangered Perisher Wallaby Grass (the locations of the Perisher Wallaby Grass are to be marked prior to commencement). The Department supports this component of the application noting the existing environmental constraints of the site and the Applicant's proposed access arrangements.

Construction impacts and access

Given the scope of the works and that the site is predominantly previously disturbed, it is unlikely that the works associated with the replacement of the conduits will cause any adverse impact upon the natural environment.

The Applicant expects the work to be completed in 5 days, with the rehabilitation of any impacted areas after completion.

The Department is satisfied that the works can be undertaken without causing an adverse impact on the environment during construction and has recommended the implementation of construction corridors and machinery handling requirements in the recommended conditions along with a designated Environmental Officer being appointed by the Applicant to oversee condition compliance prior to the commencement and during works.

Impacts would be minimized where possible (ensuring consistency with conditions) and have regard to legislative and requirements for undertaking works within Perisher.

Rehabilitation and weed management

The Applicant advises that the lift alignment may experience disturbance from vehicle access and during construction. After the completion of the works, the Applicant intends to undertake the following:

- stabilise following works with Chewings fescue seed and straw mulch, a blend of *Poa fawcettiae* and *Poa costiniana* would be used, with some *Carex* species plantings as needed and as plants are available.

The NPWS recommended that a rehabilitation, monitoring and maintenance plan be prepared prior to commencement of the work (which would then be approved by the Secretary). The plan would:

- provide information on species, planting ratios, schedule, weed management, rehabilitation methods, monitoring regimes and maintenance schedules to be implemented
- be consistent with “*Rehabilitation Guidelines for the Resort Areas of Kosciuszko National Park*”

The NPWS has also recommended that all weed species that occur within the vicinity of the site, access routes and storage / staging areas must be treated prior to works commencing to ensure these weeds are not spread further at the site or within KNP.

An Environmental Officer, appointed by the Applicant, is also recommended (as stated above) to identify and review the construction / access corridor prior to commencement of works to ensure that the works do not go into areas that have not been assessed as part of this application.

Conclusion

The Department is satisfied the Applicant has taken the appropriate steps to avoid, minimise and offset the proposal’s biodiversity impacts consistent with the principles of the BC Act and Regulation.

The Department considers the BDAR has appropriately considered the biodiversity impact of the proposed works and the proposal’s biodiversity impact is limited to the extent necessary to enable construction of the alignment of the new trail. The Department considers the proposal is acceptable subject to the following conditions:

- retiring of the class and number of credits to the Biodiversity Conservation Fund as determined in the Biodiversity Credit Report, Appendix F of the BDAR submitted for the proposal
- rehabilitation of disturbed areas
- appointment of an Environment Officer to monitor works

6.2 Other Issues

The Department's consideration of other issues is provided at **Table 2**.

Table 2 | Summary of other issues

Issue	Assessment	Department considerations
Perisher Blue Ski Slope Masterplan (PBSSMP)	<p>The PBSSMP is the strategic document for the Perisher ski slopes and provides the intentions of the Applicant for future development and management of the ski slopes.</p> <p>The Applicant comments that the proposal is generally consistent with the goals of the PBSSMP.</p>	<p>The Department concludes that the proposal is considered to meet the strategic direction of the PBSSMP for Perisher Valley Precinct and in particular supports the ongoing use of the ski slopes through maintaining lifting infrastructure to the area.</p>
Materials / stockpile sites	<p>The Applicant provided a SEMP that identifies measures to be implement during the works to ensure impacts upon the environment are minimises, including provision of an access corridor, implementation of erosion and sediment control measures and stabilisation and rehabilitation at the completion of the works.</p>	<p>The Department has adopted the NPWS recommended conditions including access, machinery, and storage / staging areas.</p>

7 Evaluation

The Department has assessed the merits of the proposal in accordance with the relevant requirements of the EP&A Act. The Department's assessment concludes the proposal is acceptable as:

- the proposal would maintain the use of Blaxland and Wentworth (duplex) T-bars for the benefit of guests and visitors utilising the Perisher ski slopes
- there will not be a significant impact on any threatened species, populations or ecological communities noting the proposal utilises an existing disturbed access track to access the works area, and diverges from the existing line to avoid endangered plant species
- suitable erosion and sedimentation control measures are to be installed prior to and during the works
- the recommended conditions would require construction impacts to be minimised having regard to the existing native vegetation adjoining the site (with a construction / access corridor to be implemented), all disturbed areas to be rehabilitated following construction and an environmental officer to monitor construction works

Overall, the Department is satisfied that the proposal is suitable for the site and in the public interest. The Department therefore recommends that the application be approved subject to recommended conditions.

8 Recommendation

It is recommended that the Team Leader, Alpine Resorts Team, as delegate of the Minister for Planning:

- **considers** the findings and recommendations of this report
- **accepts** and adopts all of the findings and recommendations in this report as the reasons for making the decision to grant consent to the application
- **agrees** with the key reasons for approval listed in the notice of decision
- **grants** consent for the application in respect of DA 21/18673, subject to the recommended conditions
- **signs** the attached Development Consent (**Appendix C**)

Recommended by:



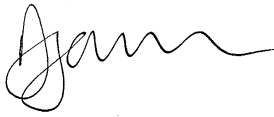
Alexander Richard
Planning Officer
Alpine Resorts Team



Mark Brown
Senior Planner
Alpine Resorts Team

9 Determination

The recommendation is **Adopted / Not adopted** by:

A handwritten signature in black ink, appearing to read 'Dan', with a stylized, wavy line extending from the end.

Daniel James

Team Leader

Alpine Resorts Team

as delegate of the Minister for Planning

Appendices

Appendix A – List of referenced documents

The following supporting documents and supporting information were considered during the Department's assessment of the application:

1. Statement of Environmental Effects
2. Submissions

Appendix B – Statutory Considerations

OBJECTS OF THE EP&A ACT

The objects of the EP&A Act are the underpinning principles upon which the assessment is conducted. The statutory powers in the EP&A Act (such as the power to grant consent/ approval) are to be understood as powers to advance the objects of the legislation, and limits on those powers are set by reference to those objects.

Therefore, in making an assessment, the objects set out in Section 1.3 of the EP&A Act should be considered to the extent they are relevant. A response to the objects is provided in the table below.

Objects of the EP&A Act	Consideration
(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,	<p>The proposal supports the ongoing use of Perisher Range Alpine Resort for tourism through maintaining the use of existing ski lifting infrastructure.</p> <p>The construction impacts are maintained within an existing disturbed area, posing minimal impacts on biodiversity and the environment.</p>
(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,	<p>The proposal would not have an unacceptable impact on the environment thus being ecologically sustainable development. Mitigation measures during construction have been considered and rehabilitation of impacted areas are supported.</p>
(c) to promote the orderly and economic use and development of land,	<p>The development seeks approval for works that are aimed at the ongoing operation of the Blaxland and Wentworth (duplex) T-bars.</p>
(d) to promote the delivery and maintenance of affordable housing,	<p>Not applicable</p>
(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,	<p>The impacts upon the environment have been limited where possible, with works limited to the replacement of the existing uphill line, utilising the existing footing and disturbed corridor.</p>

(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),	The proposed development is not anticipated to result in any impacts upon built and cultural heritage, including Aboriginal cultural heritage, being on previously disturbed land.
(g) to promote good design and amenity of the built environment,	The Department considers that the proposal responds to its existing setting and minimises impacts upon the natural environment during construction.
(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,	The Department has recommended conditions of consent to ensure the construction of the proposal is undertaken in accordance with legislation, guidelines, policies and procedures (refer to Appendix C).
(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,	The Department exhibited the proposal and received comments from the NPWS.
(j) to provide increased opportunity for community participation in environmental planning and assessment.	Due to the location of the works, the Department exhibited the application (consistent with the Department's Community Participation Plan), and the application was placed on the Department's website.

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)

To satisfy the requirements of section 4.15(a)(i) of the EP&A Act, this report includes references to the provisions of the EPIs that govern the carrying out of the project and have been taken into consideration in the Department's environmental assessment.

On 1 March 2022, the *State Environmental Planning Policy (Kosciuszko National Park-Alpine Resorts) 2007* (the Alpine SEPP) was consolidated into Chapter 4 of the *State Environmental Planning Policy (Precincts - Regional) 2021 (Precincts - Regional SEPP)*. Chapter 4 of the Precincts – Regional SEPP is applicable to the development. Consideration of the matters to be considered is provided below:

CI 4.12(1) - Matters to be considered by consent authority

(a) the aim and objectives of this policy, as set out in clause 4.1	The proposal is consistent with the aim and objectives of Chapter 4 of the Precincts - Regional SEPP in that it is consistent with the principles of ESD and supports the ongoing use of Blaxland and Wentworth (duplex) T-bars.
---	--

(b) the conservation of the natural environment and any measures to mitigate environmental hazards (including geotechnical hazards, bush fires and flooding),	The proposal is appropriate as it replaces existing conduits with minimal additional disturbance while having regard to the surrounding environmental significance. Natural hazards have been adequately addressed.
(c) the cumulative impacts of development on existing transport, effluent management systems, waste disposal facilities or transfer facilities, and existing water supply,	No adverse cumulative impacts are anticipated as the proposal will not result in any changes to existing transport, effluent management systems, waste disposal facilities, transfer facilities or water supply.
(d) any statement of environmental effects,	The SEE and information supplied are considered adequate to enable a proper assessment of the works.
(e) the character of the alpine resort,	The proposal would not adversely alter the character of the resort.
(f) the Geotechnical Policy – Kosciuszko Alpine Resorts,	<p>The proposal comprises earthworks in removing or replacing the existing conduits for the duplex T-bar. The Applicant comments that no geotechnical assessment is required.</p> <p>The Department has considered the Applicant's submission and the scope of the works (being a trench of 300mm wide x 500mm depth).</p> <p>The works are not likely to negatively impact the stability of the land (with no structures proposed to be erected) and the Applicant is capable of addressing any stability issues should they arise.</p> <p>No further assessment on geotechnical matters is considered necessary for the project.</p>
(g) any sedimentation and erosion control measures,	<p>The installation of the conduits would involve an excavator traversing down a slope and parking above the existing conduits, and excavation of the trench for the proposed works.</p> <p>Sedimentation and erosion control conditions are recommended in the Applicant's SEMP which is to be implemented prior to the commencement and during the works.</p>

(h) any stormwater drainage works proposed,	No negative impacts to stormwater or drainage are anticipated due to the nature of the proposed works.
(i) any visual impact of the proposed development, particularly when viewed from the Main Range,	The proposal will not result in an unacceptable visual impact as the works involve the replacement of the existing conduits with works of a similar profile.
(j) any significant increase in activities, outside of the ski season,	The proposal does not result in an increase in activities outside the ski season.
(k) if the development involves the installation of ski lifting facilities,	The proposal does not involve the installation of any new ski lifting facilities.
(l) if the development is proposed to be carried out in Perisher Range Alpine Resort: the document entitled Perisher Range Resorts Master Plan (PRRMP) and the document entitled Perisher Blue Ski Slope Master Plan,	Refer to Section 6.2 .
(m) if the development is proposed to be carried out on land in a riparian corridor.	Not applicable to proposal.

CI 4.15 – applications referred to the National Parks and Wildlife Service

The proposal was referred to the NPWS pursuant to Chapter 4 of the Precincts - Regional SEPP. Refer to comments received at **Section 5** and discussion on proposal at **Section 6**.

CI 4.24 – Heritage conservation

European heritage	The proposal would not impact on any European heritage items.
Aboriginal heritage	The NPWS raised no concerns, however recommended that should any Aboriginal objects be uncovered during construction, any works impacting the objects must cease immediately and the NPWS contacted for assessment of the site.

Appendix C – Recommended Instrument of Consent