



Relocation of Snowmaking Infrastructure, Perisher Valley

Development Application Assessment
DA 22/4318

May 2022

Published by the NSW Department of Planning and Environment

dpie.nsw.gov.au

Title: Relocation of Snowmaking Infrastructure, Perisher Valley

Subtitle: Development Application Assessment, DA 22/4318

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 (May 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 2021</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 & Wildlife Service
Planning Secretary	Secretary of the Department of Planning and Environment
SEPP	State Environmental Planning Policy

Executive Summary

This report outlines the assessment of Development Application (DA 22/4318) lodged by Perisher Blue Pty Ltd (the Applicant) seeking approval for the relocation of a snowmaking fan gun between the Mitchell T-bar and Village 8 Express, Perisher Valley, Perisher Range Alpine Resort within Kosciuszko National Park (KNP).

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* (Precincts - Regional SEPP). 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, administered by the Department of Planning and Environment (the Department). The proposal is permissible with consent under the provisions of the Precincts – Regional SEPP.

The Department exhibited the application for 14 days between 26 March to 9 April 2022 on the NSW Planning Portal website. No submissions from the public were received during the assessment of the application.

The Department consulted and received comments from the National Parks and Wildlife Service (NPWS) pursuant to clause 4.15 of Chapter 4 of the Precincts - Regional SEPP.

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 improves resort operations, particularly during marginal conditions, along Front Valley for the benefit of guests and visitors utilising the ski slopes
- 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 and path of travel, 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 provides improved access to ski slopes that supports the ongoing use of the ski resort supporting the regional plan for the locality, has considered its biodiversity impacts and maintains its consistency with the Precincts – Regional SEPP through being compatible with other snowmaking infrastructure developed within the Perisher Range Alpine Resort.

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 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
5.1	Department's Engagement	9
5.2	Summary of submissions	9
6	Assessment	10
6.1	Impacts on biodiversity.....	10
6.2	Other Issues	11
7	Evaluation.....	13
8	Recommendation.....	14
9	Determination.....	15
	Appendices	16
	Appendix A – List of referenced documents	16
	Appendix B – Statutory Considerations	17
	Appendix C – Recommended Instrument of Consent	21

1 Introduction

1.1 The Department's Assessment

This report contains the Department's assessment of Development Application (DA 22/4318) lodged by Perisher Blue Ski Resort (the Applicant) between the Mitchell T-bar and Village 8 Express chairlift, Perisher Valley, Perisher Range Alpine Resort within KNP.

The Applicant is seeking approval to relocate a snowmaking fan gun uphill from an existing position at the bottom of a depression (**Figure 1**). Moving it to the knoll area above its current location is to make it more visible and ensure it is an optimal location for snowmaking.



Figure 1 | Site (highlighted) in context of Front Valley and adjoining areas (Source: Applicant's documentation)

The Department's assessment considers all documentation submitted by the Applicant, including the Statement of Environmental Effects (SEE) and accompanying information, 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 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 on the eastern side of Front Valley, between the Mitchell T-bar and Village 8 Express underneath a rock island (**Figure 2**).



Figure 2 | Site location indicating existing infrastructure to be relocated and proximity to existing lifting infrastructure (Source: Applicant's documentation)

During early 2021, the Department approved DA 10625 for rock reduction and removal of the tree island at this location above the existing fan gun that is being relocated under this application. The Applicant completed the works prior to Winter 2021, with part of the rock reduction works illustrated in **Figure 3**.

The existing heath below the rock area was retained and is also proposed to be protected while the Applicant undertakes the proposed works.

2 Project

The application seeks approval to relocate a snowmaking fan gun on Front Valley between the Mitchell T-bar and Village 8 Express. The proposed works include (as taken from the Applicant's SEE):

- Site preparation and installation of environmental controls.
- Site access from the established Village Eight Access Track and disturbed track.
- Removal of existing pit, snow gun and equipment – **Figure 3**.
- Backfilling and revegetation of the hole left from the pit removal (backfilled with suitable material sourced from Smiggins stockpile site).
- New excavation works for trenching (900mm depth x 450mm wide), pit installation (1400mm depth x 1900mm wide) and associated drainage.
- Relocation of the existing pit, fan gun and associated equipment to the knoll above the existing location and in alignment with existing Lance guns.
- Site stabilisation and rehabilitation, as required.

Access to the site is proposed to be achieved from the existing access road within Front Valley. Machinery to be used includes a single 14 tonne excavator for the trenching and pit relocation. Trenches are proposed to be backfilled with soil and sod replacement.

The Applicant advises that the objective of the proposal is to relocate a snow gun on Front Valley from a depression in the slope to the knoll above and in line with existing snowmaking lances. The relocation of the snow gun would reduce the risk to skiers and be in a prime position for optimal snowmaking.

The proposal has an estimated cost of works of approximately \$17,500.



Figure 3 | Existing snow gun to be relocated (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.

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 would improve resort operations through enabling the safer operation and maintenance of Front Valley. By improving access to ski runs, this supports visitation to the NSW ski resorts during winter.

Precincts – Regional SEPP

The Precincts – Regional SEPP governs development on land within the ski resort areas of KNP. Chapter 4 of 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 clause 4.15 of the Precincts – Regional SEPP, the NPWS have a commenting 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 Chapter 4 of the Precincts – Regional SEPP as the proposal minimises native vegetation impacts or utilises existing disturbed area, while rehabilitating areas of disturbance at the completion of works. NPWS have also raised no concerns with the submitted proposal.

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 the relocation and installation of snowmaking infrastructure and ancillary works, consistent with the definition of 'snow-making infrastructure' as defined in the Precincts – Regional SEPP. Pursuant to clause 4.9 of Chapter 4 of the Precincts – Regional SEPP, 'snow-making infrastructure' 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 has undertaken an assessment against the EPBC Act and comments that the proposed works do not trigger any of the factors that would be a significant impact on matters of National Environmental Significance or Commonwealth land, and a referral to the Commonwealth Environment Minister is therefore not recommended.

The Department has reviewed 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 ensuring snowmaking infrastructure is provided that ensures improved resort operations and access to ski slopes during marginal or early season conditions
- 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
- the application is capable of achieving compliance with relevant construction standards
- the Department provided opportunities for community participation in the assessment process, which included displaying the proposal on the NSW Planning Portal website during the exhibition period. The Department has considered the issues raised in the NPWS submission in **Section 6**.

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 and would undertake sod replacement
- 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 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 Applicant comments that the proposal does not involve any native vegetation removal and that the site is not mapped on the BVM. The Applicant also advises that the surrounding area around the existing snow gun and proposed location is previously disturbed, therefore the BOS would not be triggered.

The NPWS concurs that the development does not trigger the BOS.

The Department notes that there is currently no declared area of outstanding biodiversity value within KNP.

Considerations under Section 4.15 of the EP&A Act

In determining a development application under section 4.15 of the EP&A Act, 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 under section 4.15.

Table 1 below presents a summary of the matters for which consideration outlined further in **Section 6** (Assessment) of this report and references other relevant appendices and sections outlined in this report.

Table 1 | Section 4.15(1) Matters for Consideration

Section 4.15(1) Evaluation	Consideration
(a)(i) any environmental planning instrument (EPI)	<p>The Precincts – Regional SEPP is the only 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.</p> <p>The Department is satisfied that the Application is consistent with the requirements of Chapter 4 of the Precincts – Regional SEPP.</p>
(a)(ii) any proposed instrument	Not applicable to the proposal.
(a)(iii) any development control plan	Not applicable to the proposal.
(a)(iiia) any planning agreement	Not applicable to the proposal.
(a)(iv) the regulations	<p>The application satisfactorily meets the relevant requirements of the EP&A Regulation, particularly the procedures relating to development applications (Part 3 and Part 4) and fees (Part 13 and Schedule 4).</p> <p>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.</p>

(a)(v) any coastal zone management plan	Not applicable to the proposal.
(b) the likely impacts of that development	<p>The Department has considered the likely impacts of the development. All environmental impacts can be appropriately managed and mitigated through conditions of consent.</p> <p>The proposal is considered to have positive economic and social impacts by providing snowmaking facilities to improve access to ski slopes during marginal conditions for the benefit of guests visiting Perisher Range Alpine Resort.</p>
(c) the suitability of the site for the development,	The site is both suitable for the development and supports the use of Perisher Range Alpine Resort during winter as discussed in Section 6 of this report.
(d) any submissions made in accordance with this Act or the regulations,	Consideration has been given to agency submissions received during the exhibition period. Refer to Section 5 and 6 , as required, of this report.
(e) the public interest.	<p>The works are consistent with the aim and objectives of Chapter 4 of the Precincts – Regional SEPP. The development is be compatible with other snowmaking infrastructure works within Perisher Valley and there would not be an adverse impact on the environment. The proposal is also consistent with the principles of ESD.</p> <p>As such, the proposal is believed to be in the public interest.</p>

5 Engagement

5.1 Department's 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 fourteen (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.

Due to the public interest and extent of work, the Department however exhibited the application for 14 days between 26 March to 9 April 2022 on the NSW Planning Portal website.

The application was referred to the NPWS pursuant to clause 4.15 of Chapter 4 of the Precincts – Regional SEPP.

5.2 Summary of submissions

The NPWS did not object to the proposal and provided the following comments:

- the applicant had appropriately assessed the BC Act
- no vegetation or rock removal is proposed. However, the patch of native heath vegetation adjacent to the development corridor is to be fenced or flagged (and personnel on site briefed) to delineate it as a 'no go' area for personnel, vehicles and equipment.
- the assessment of Aboriginal Cultural Heritage has followed a suitable process and due diligence
- conditions are recommended to address weed treatment, trenching requirements, amendments to the site environmental management and rehabilitation plan (SEMRP), 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**.

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:

Vegetation impacts

The Applicant comments that:

- The proposed works do not require the removal of native vegetation.
- Most of the site which is exotic grasses will be stabilised immediately following works with a mixture of Chewings fescue and/or *Poa fawcettiae* and/or *Poa costiniana* seed and straw mulch.
- Native vegetation adjacent to the existing snow gun will be fenced to avoid impacts.

The NPWS raised no concerns with the proposal and recommended the submitted Site Environmental Management and Rehabilitation Plan be amended to address that exotic grass species such as Chewings Fescue are not suitable for the rehabilitation of areas containing predominantly native species. Areas which are predominantly exotic grass may be reseeded using a 50:50 native *Poa* (locally occurring) and Fescue mix; monitoring and mulching and re-seeding of any bare areas must occur at least every 12 months for a minimum period of 5 years; and that all straw bales or other mulch used for rehabilitation must be weed free.

The Department considers the proposal, which does not propose the removal of native vegetation to be acceptable. Conditions are recommended to ensure areas impacted by construction be rehabilitated in accordance with the "*Rehabilitation Guidelines for the Resort Areas of Kosciuszko National Park*". An Environmental Officer, appointed by the Applicant, is also recommended to review the works prior to construction and ensure that the proposal meets the identified outcomes.

Overall, the Department supports the proposal on the basis of no native vegetation removal.

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 will cause any adverse impact upon the natural environment.

Access to the site would be achieved predominantly from the existing access road from Front Valley, adjacent to where the works commence. Machinery to be used includes a single excavator (14 tonne) for

the trenching and removal and installation of the snowmaking fan gun. The Applicant expects the work to be completed in 5 days, with site stabilisation and 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. A designated Environmental Officer is also to be appointed by the Applicant to oversee condition compliance prior to the commencement and during works.

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

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 proposal is acceptable subject to the following conditions:

- rehabilitation of disturbed areas
- adoption of the site environmental management and rehabilitation plan
- 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 application is consistent with the overall objectives of the PSSMP and would result in improved or safer skiing and snowboarding on Front Valley.</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 providing additional snowmaking facilities to the area.
Compliance with the Building Code of Australia	The proposed works are required to comply with the BCA and relevant Australian Standards.	The Department has recommended standard conditions to ensure all other works are constructed to comply with the BCA and relevant Australian Standards.

Materials / stockpile sites	<p>The Applicant provided a Site Environmental Management Plan that identifies:</p> <ul style="list-style-type: none"> • measures to implement and management stockpile sites • measures to minimise impacts during and post construction • responsible officers to ensure compliance 	<p>The Department has recommended that an amended SEMP be provided to address NPWS comments (Section 5) and once adopted, the SEMP be implemented prior to and during the works being carried out.</p> <p>The Department has also adopted the NPWS recommended conditions including machinery, stockpile sites and soil and waste management. Particularly that works are to comply with '<i>Soil Stockpile Guidelines for the Resort Areas of Kosciuszko National Park, October 2017</i>'.</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 improves resort operations, particularly during marginal conditions, along Front Valley and for the benefit of guests and visitors utilising the ski slopes
- 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, 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 22/4318, subject to the recommended conditions
- **signs** the attached Development Consent (**Appendix C**)

Recommended by:



Alex Richard
Planning Officer
Regional Assessments



Mark Brown
Senior Planner
Alpine Resorts Team

11 May 2022

9 Determination

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



11 May 2022

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 to this assessment report can be found on the NSW Planning Portal website as follows.

1. Statement of Environmental Effects
2. Submissions

<https://www.planningportal.nsw.gov.au/publications/exhibitions-and-publications/development-applications-exhibition>

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,	The proposal supports the ongoing use of Perisher Range Alpine Resort for tourism through ensuring consistency of snowmaking of existing ski runs. The construction impacts resulting from the works have been adequately considered by the Applicant.
(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,	Mitigation measures during construction and rehabilitation of impacted areas deliver an ecologically sustainable development which are supported.
(c) to promote the orderly and economic use and development of land,	The development seeks approval for works that are aimed at ensuring the ongoing operation of snowmaking within Perisher Range Alpine Resort that improves ski runs and visitor safety.
(d) to promote the delivery and maintenance of affordable housing,	Not applicable to this proposal.
(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,	The impacts upon the environment have been limited where possible, with a SEMP lodged and conditions from NPWS further guiding development.
(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.

(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 existing natural environment.
(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 publicly exhibited the proposal (Section 5), which included consultation with government agencies and consideration of their responses.
(j) to provide increased opportunity for community participation in environmental planning and assessment.	The Department publicly exhibited the proposal (Section 5), which included displaying the application on the NSW Planning Portal 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.

State Environmental Planning Policy (Precincts - Regional) 2021 (Precincts - Regional SEPP) is the only EPI applicable to the development. Consideration of Chapter 4 of the Precincts – Regional SEPP 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 the ski resort.
(b) the conservation of the natural environment and any measures to mitigate environmental hazards (including geotechnical hazards, bush fires and flooding),	<p>The proposal is appropriate as it increases skiing opportunities, improves conditions and safety while having consideration of environmental impacts.</p> <p>There are no other known environmental hazards associated with the site.</p>
(c) the cumulative impacts of development on existing transport, effluent management	No adverse cumulative impacts are anticipated as the proposal will not result in any changes to existing

systems, waste disposal facilities or transfer facilities, and existing water supply,	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. Providing access to improved and safer ski runs through ensuring the reliability of snowmaking is supported.
(f) the Geotechnical Policy – Kosciuszko Alpine Resorts,	<p>The site is within the G zone identified on the Department's Geotechnical Policy – Kosciuszko Alpine Reports Perisher Map. The Application is supported by a Form 4 prepared by Asset Geotechnical Engineering Pty Ltd.</p> <p>The Form 4 states that the excavations (trench lines and pit to support the fan gun), and the anticipated light surcharge loading from the fan gun and pit would not adversely impact the slope stability and detailed investigation is not required.</p> <p>A recommendation is provided stating that the fan gun should be founded on stiff or better clay / medium dense or better sand, or weathered granite.</p> <p>The Department raises no concerns with the proposal, subject to implementation of the recommendations as proposed by JK Geotechnics Pty Ltd.</p>
(g) any sedimentation and erosion control measures,	The construction of the works would involve earthworks and implementation of appropriate sedimentation and erosion control measures. Sedimentation and erosion control conditions are recommended, including the adoption of the Site Environmental Management and Rehabilitation Plan (SEMRP) measures prior to the commencement of works.
(h) any stormwater drainage works proposed,	No negative impacts to stormwater or drainage are anticipated.
(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 would be consistent with other

infrastructure within the locality, which partly blends into the landscape.

(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 clause 4.15 of the Precincts – Regional SEPP. Refer to comments received at **Section 5** and as required, discussions 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 advised that the Applicant has followed a suitable process and due diligence in determining that the proposed works are unlikely to harm Aboriginal objects.

NPWS recommends 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.

A condition is recommended addressing NPWS comments.

Appendix C – Recommended Instrument of Consent