



Ski Conveyor Relocation and Drainage, Front Valley, Perisher Valley

Development Application Assessment
DA 22/4317

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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
DPE Water	Department of Planning and Environment - Water
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 22/4317) lodged by Perisher Blue Pty Ltd (the Applicant) seeking approval for the demolition and relocation of an existing ski conveyor and the installation of a drainage line, 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, being nominated integrated development, for 28 days between 28 March 2022 to 26 April 2022 in accordance with the Department's Community Participation Plan. The Department also made the application publicly available on the NSW Planning Portal website and notified the adjoining Perisher Manor of the works. No submissions from the public were received during the assessment of the application.

The Department referred the Application to the Department of Planning and Environment - Water (DPE Water) as in the order for the development to be carried out, approval under the *Water Management Act 2000* is required with works occurring within 40 metres of Perisher Creek. The DPE Water has issued General Terms of Approval for the development.

The Department consulted and received comments from the National Parks and Wildlife Service (NPWS) pursuant to section 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 relocates a ski conveyor for the benefit of children to a better teaching terrain area rather than requiring to children to pass downhill skiers to get to the current ski conveyor location
- 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 supports the ongoing use of the ski resort that in turn supports the regional plan for the locality. The Application has considered its biodiversity impacts and maintains its consistency with Chapter 4 of the Precincts – Regional SEPP through being compatible with developed within the Perisher Range Alpine Resort.

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

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1 Introduction

1.1 The Department's Assessment

This report contains the Department's assessment of Development Application (DA 22/4317) lodged by Perisher Blue Ski Resort (the Applicant) below the Village 8 Chairlift and adjoining Perisher Creek, Perisher Valley, Perisher Range Alpine Resort within KNP.

The Applicant seeks approval to demolish an existing ski conveyor located above the children's beginner ski area and relocate the ski conveyor to an area adjoining Perisher Creek, below the Village 8 Chairlift bottom station (**Figure 1**). In addition, a new drainage line is to be installed from an existing snowmaking pit to an existing stormwater drain that discharges into Perisher Creek.

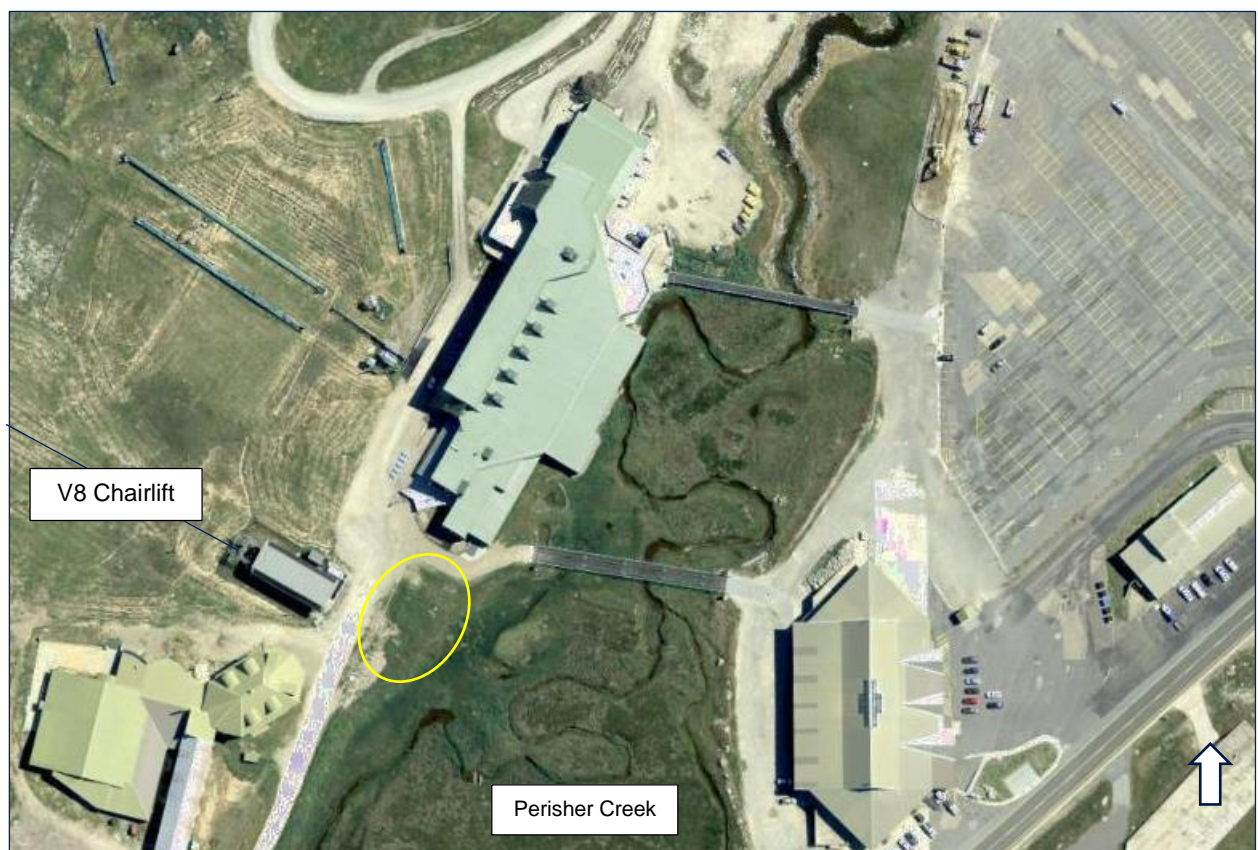


Figure 1 | Site (highlighted) of new conveyor location and drainage line in context of Perisher Valley, Perisher Creek and adjoining areas (Source: SIX Maps)

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 in two parts:

- Site 1 being an existing ski conveyor (known as Conveyor 1) located above the existing Tom Thumb beginner ski area (**Figure 2**). The site is currently disturbed, with access to the site available off an adjacent track that connects to Burramys Road. During winter operations of the ski resort, the Tom Thumb beginner ski area is congested, which impacts upon lifting capacity within the beginner area.
- Site 2 being an area between the Village 8 Chairlift bottom station and the adjacent Perisher Creek (**Figure 3**). This area is highly disturbed and is utilised during winter months as a meeting point for beginner skiers. The proposed location of the ski conveyor is away from the edge of the bank to Perisher Creek

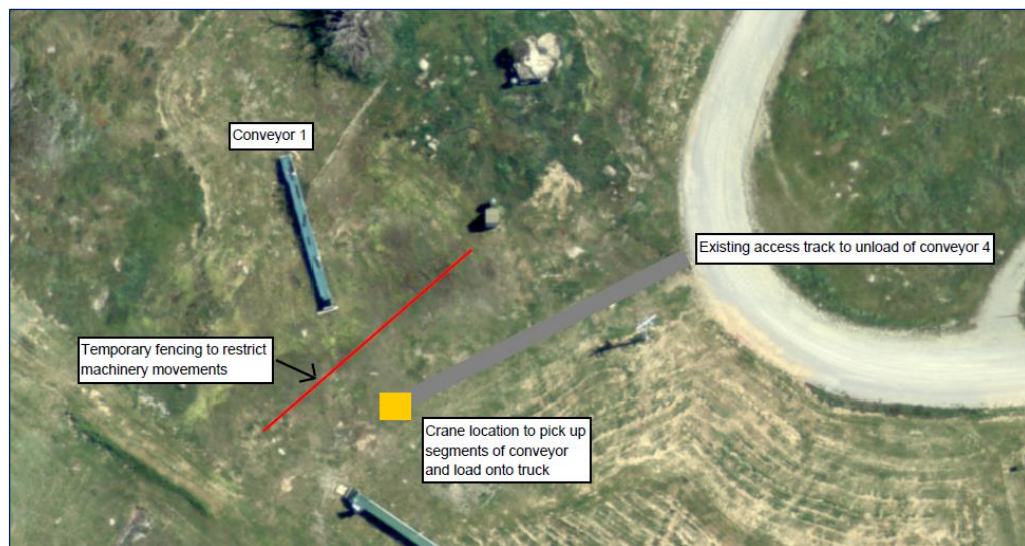


Figure 2 | Existing conveyor to be location to be removed (Source: Applicant's documentation)



Figure 3 | Alignment of drainage line (red dash) and conveyor between Village 8 Chairlift and Perisher Creek (Source: Applicant's documentation)

2 Project

The application seeks approval to demolish and relocate an existing ski conveyor and the installation of a drainage line (**Figure 4**). The proposed works include (as taken from the Applicant's SEE):

- Site preparation and installation of environmental controls;
- Site access from the established Front Valley Access Tracks;
- Disconnection of Conveyor 1 from its current location, and termination of services at this point. Removal of conveyor parts and concrete sleepers by crane and truck, and stabilisation of the site;
- Installation of concrete sleepers and relocation of conveyor to new location, below Village 8 Chairlift;
- Trenching to connect electricity and fibre optics to the top of the conveyor (southern end), to existing in ground conduits below the Village 8 Chairlift (750mm depth x 450mm wide and 10 metres in length). Two x 50mm conduits are to be installed in the trench and sod's replaced or rehabilitated ;
- Trenching from the existing snowmaking pit to connect with the existing stormwater drain (750mm depth x 450mm wide and 30 metres in length). A 100mm pipe is to be installed in the trench and sod's replaced or rehabilitated;
- Site stabilisation & rehabilitation, as required.

The Applicant advises that Front Valley is a highly utilised beginner ski area, catering to learner skiers of all ages. The current children's ski area ("Tom Thumb") is congested and lifting capacity in this area is not fully optimised. Relocating Conveyor 1 to the proposed area, will ensure optimisation of lifting capacity in an easily accessible location. The area proposed for conveyor relocation is currently used as a lesson meeting area, and gentle ski terrain area for first timers in lessons.

The proposal has an estimated cost of works of approximately \$20,840.

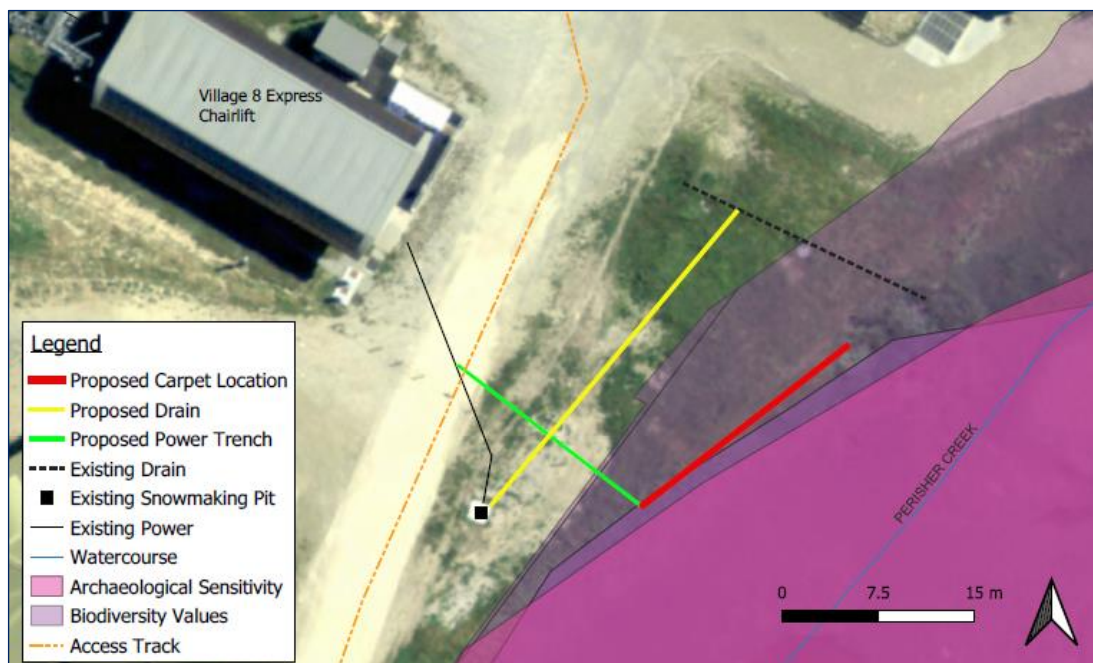


Figure 4 | Location of works below Village 8 Chairlift bottom station (Source: Applicant's documentation)

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 children to begin learning to skier in a safer / less congested environment, which supports visitation to the NSW ski resorts. The proposal has also minimised its impact on the unique environment through locating the works away from native vegetation.

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 section 4.15 of Chapter 4 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 through utilising 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 section 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 removal and reinstatement of an existing ski conveyor and ancillary works, consistent with the definition of 'lifting facilities' as defined in the Precincts – Regional SEPP. Pursuant to section 4.9 of Chapter 4 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 the proposal would not have 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.

Water Management Act 2000

The proposed development is classified as integrated development under section 4.46 of the EP&A Act as in the order for the development to be carried out, approval under the *Water Management Act 2000* is required.

The application was referred to the DPE Water as works occur within forty (40) metres of Perisher Creek, **Figure 1**. The DPE Water has issued General Terms of Approval for the development. Prior to the

commencement of work, the Applicant will need to obtain a Controlled Activity Approval under the *Water Management Act 2000*.

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 access to ski lifting facilities for resort visitors at a beginner level in a safe and less congested area
- there would not be an unacceptable impact on the environment thus being ecologically sustainable development, with impacts upon vegetation are limited where possible with the alignment occurring within previously disturbed areas
- 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 exhibiting the application, notifying the adjoining Perisher Manor, and displaying the proposal on the Department's 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
- 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 part of the site is within the BVM area, however there is to be no clearing of native vegetation or prescribed impacts. It is also noted that the area the subject of the proposal is highly disturbed and dominated by exotic grass. While the proposal involves disturbance within a BVM area, no impacts are occurring to native vegetation and therefore would not trigger any clearing threshold.

The Applicant also advises that minimal impacts upon exotic grass would occur with no evidence of threatened species present on the site. Methods to minimise impacts on surrounding vegetation is proposed within the submitted SEMRP.

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

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

The Department is therefore satisfied that the BOS does not apply. Implementation of the recommended methods to minimise impacts on surrounding vegetation is supported.

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)	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 .

	The Department is satisfied the application is consistent with the requirements of Chapter 4 of the Precincts – Regional SEPP.
(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 improving access to beginner ski lifting infrastructure 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 submissions received from the DPE Water and NPWS during the exhibition period. See 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, would be compatible with other ski lifting facilities within Perisher Valley and there would not be an adverse impact on the environment. The proposal is 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 nominated integrated development applications be exhibited for a period of twenty-eight (28) days. The Department exhibited the application between 28 March 2022 to 26 April 2022 on the NSW Planning Portal and notified the adjoining Perisher Manor of the works.

The application was also forwarded to State government agencies in writing, including:

- the Department of Planning and Environment - Water (DPE Water) pursuant to section 4.46 (integrated development) of the EP&A Act as a Controlled Activity Approval under the *Water Management Act 2000*, which is required for the development to be carried out (works are proposed within forty metres of Perisher Creek)
- the NPWS pursuant to section 4.5 of Chapter 4 of the Precincts - Regional SEPP

Following the exhibition of the application, the Department placed copies of all submissions received on its website and provided the Applicant with an opportunity to provide a response to the issues raised in the submissions.

5.2 Summary of submissions

During the exhibition period, the Department received comments from the DPE Water and NPWS and no public submissions objecting to the proposal.

5.3 Key issues – Government Agency

The DPE Water issued General Terms of Approval (GTA) for the proposal, requiring a Controlled Activity Approval under the *Water Management Act 2000* as discussed in **Section 4.3**.

The NPWS did not object to the proposal and:

- provided comments on leasing and the KNP Plan of Management; BC Act; protection of native vegetation, fauna and habitats; rehabilitation, maintenance and monitoring, Aboriginal cultural heritage; and visual impacts, and
- recommended conditions to address protection of native vegetation, fauna and habitats, revegetation and site works.

The Department has considered the comments raised in the government agencies submissions during the assessment of the application in **Section 6** and 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 / riparian land impacts

The Applicant comments that:

- The proposed works are taking place within the Resort boundary, in previously disturbed areas. The works are minor in scale and will not result in significant impacts on natural systems and biodiversity.
- A rope line is to be installed to restrict vehicle access to wet areas around Conveyor 1 current location, and Perisher Creek.
- The ecology of the current Conveyor 1 location will be improved through rehabilitation of the conveyor site, and other impacts are limited to formed access tracks with no ecological impacts.
- The proposed works are within 40m of the Perisher Creek riparian area, on wholly exotic vegetation. Minimal disturbance to the creek bank will result, and habitat linkages, aquatic habitats and bank stability will not be impacted.

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 (Perisher Creek Road and access track to the Interceptor Quad Chair bottom station), adjacent to where the works commence. Machinery to be used includes a single excavator (12 tonne) for the trenching and installation of the snowmaking manual hydrants. The Applicant expects the work to be completed in 15 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 generally consistent with the overall objectives of the PSSMP.</p>	<p>The Department concludes that the proposal is considered to meet the strategic direction of the PBSSMP through relocating an underutilised ski conveyor to an area that would enable children to access the facilities at a more frequent times that currently provided. Reducing the need to traverse 200 metres uphill and past of users of the ski slope.</p>

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 and Rehabilitation 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 SEMRP be provided to address NPWS comments (Section 5) and once adopted, the SEMRP 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 relocates a ski conveyor for the benefit of children to a better teaching terrain area rather than requiring to children to pass downhill skiers to get to the current ski conveyor location
- 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

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 22/4317, subject to the recommended conditions
- **signs** the attached Development Consent (**Appendix C**)

Recommended by:

A handwritten signature in black ink that reads "Mark Brown." with a horizontal line underneath the name.

22 June 2022


Mark Brown

Senior Planner

Alpine Resorts Team

9 Determination

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



22 June 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/daexhibitions>

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 access to beginner ski lifting facilities. 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 supporting the operation of Perisher Range Alpine Resort through relocated a beginner ski conveyor away from a congested area of the ski slopes.
(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 SEMRP 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:

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

(a) the aim and objectives of this policy, as set out in section 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	The proposal is appropriate as it increases beginner access to ski lifting facilities, improves the usage of

geotechnical hazards, bush fires and flooding),	<p>facilities 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 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. Relocating a ski conveyor to safer and less congested location 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 and Geotechnical Assessment prepared by AssetGeoEnviro.</p> <p>The Form 4 states that the conveyor is supported on concrete sleepers laid on the existing ground surface and exert very low bearing pressure (not provided, but estimated to be less than 20kPa), which would not require engineered footings. If there were to be subsidence at certain footings, they could be readily rectified without significant impact.</p> <p>Trenching for the drain is nominal 0.75m deep and is within an area of locally very gently sloping terrain, therefore the risk of instability is negligible.</p> <p>The Department raises no concerns with the proposal.</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. The proposal relates to the relocation of an underutilised ski conveyor.
(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.	The proposal includes works within 40 metres of Perisher Creek. Comments received from the DPE Water are discussed in Section 4 and 5 .

Section 4.12(2) – Long term management goals for riparian land

(a) to maximise the protection of terrestrial and aquatic habitats of native flora and native fauna and ensure the provision of linkages, where possible, between such habitats on that land,	<p>The proposed conveyor and drainage line are located within the Perisher Creek riparian zone.</p> <p>The Applicant comments that the proposed works are on wholly exotic vegetation. Minimal disturbance to the creek bank will result, and habitat linkages, aquatic habitats and bank stability will not be impacted.</p>
(b) to ensure that the integrity of areas of conservation value and terrestrial and aquatic habitats of native flora and native fauna is maintained,	<p>The DPE Water have reviewed the proposed and the DPE Water has issued GTA for the works which will require a controlled activity approval under the WM Act.</p>
(c) to minimise soil erosion and enhance the stability of the banks of watercourses where the banks have been degraded, the watercourses have been channelised, pipes have been laid and the like has occurred.	<p>Based on a review of the application, the Department is satisfied that works are not proposed to have direct impacts on Perisher Creek.</p> <p>The conditions of consent ensure that the environmental impacts upon riparian land are minimised during</p>

construction and any impacts are appropriately rehabilitated.

The measures proposed by the Applicant, the general terms of approval, and the recommended conditions are considered adequate to ensure the long term management goals for riparian land are achieved.

Section 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 as required, discussions on proposal at **Section 6**.

Section 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