



Leichhardt J-bar, Perisher Valley

Development Application Assessment
DA 22/11891

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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
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation 2021	<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 and Wildlife Service
Planning Secretary	Secretary of the Department of Planning and Environment
SEPP	State Environmental Planning Policy

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1 Introduction

This report contains the Department’s assessment of Development Application (DA 22/11891) lodged by Perisher Blue Pty Ltd (the Applicant) seeking approval for the replacement of the Home Rope Tow with a new J-bar lift and associated works within the Centre Valley Precinct of Perisher Range Alpine Resort, Kosciuszko National Park (KNP).

The Applicant seeks approval for the removal of the existing Home Rope Tow and installation of a new J-bar lift (comprising top and bottom stations and towers between), a Radio Frequency Identification Data (RFID) gate adjacent the bottom station, and other associated works including rock removal / reduction and tree removal works, and installation of an up-hill safety line and an electricity cable (within conduit that is to be partly underbored or placed within a trench).

The proposed lift is to commence adjacent to the base of the Leichhardt Chairlift and extends 318 metres in a northerly direction towards the Lawson T-bar, within the Centre Valley area (**Figure 1**).

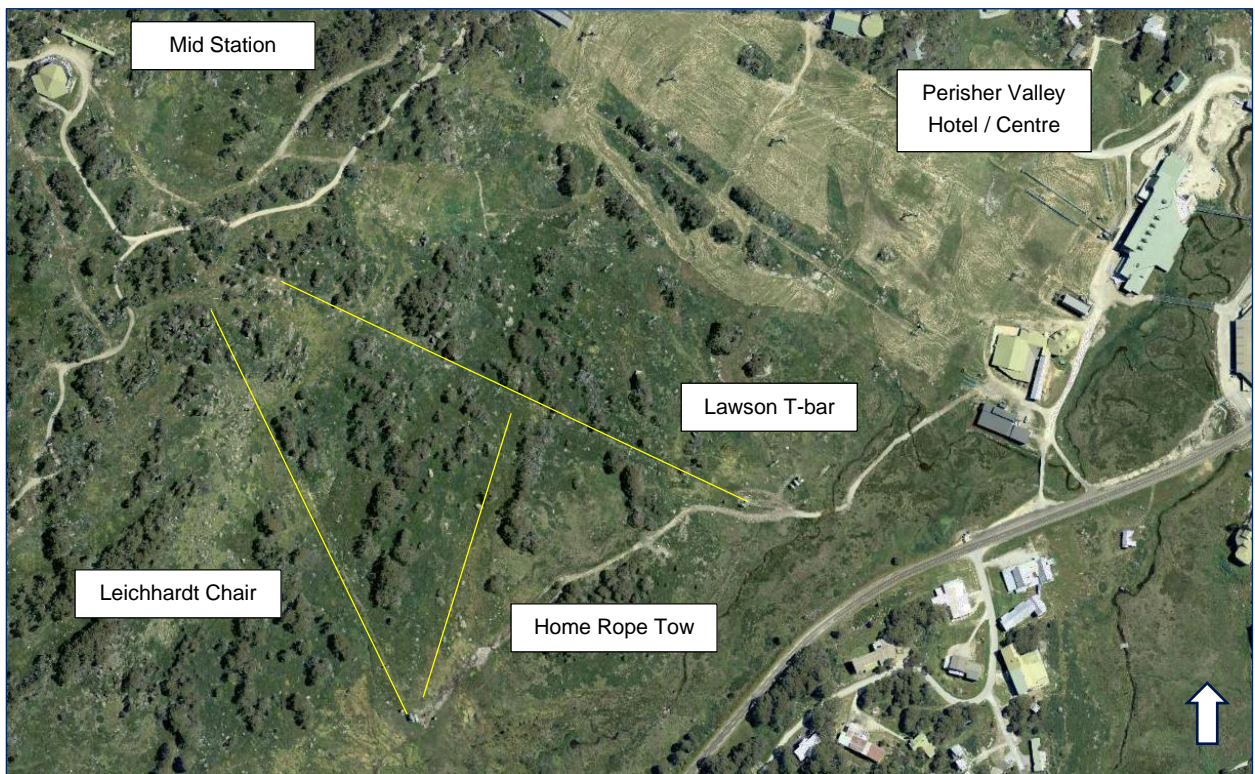


Figure 1 | Existing Hope Rope Tow in context of the adjoining Leichhardt Chairlift (Source: SIX Maps 2023)

The existing Home Rope Tow, adjacent to the Leichhardt Chair, is located between the Mount Perisher and Front Valley ski areas and is utilised infrequently by skiers and snowboarders to gain access back to Front Valley after traversing the ski runs on Mount Perisher and its immediate surrounds. A majority of skiers and snowboarders uplift on the Leichhardt Chair rather than use the rope tow to get back to the Front Valley ski areas.

The site and immediate area is a mixture of sensitive vegetation and disturbed ski slope following the historic usage of the site associated with the operation of the existing rope tow and the adjoining access track from Centre Valley. Perisher Creek is located approximately 70 metres to the south of the existing Home Rope Tow bottom station and operator hut (**Figure 2**).

Flora and fauna found within this area include, amongst others, the endangered flora species of Montane Peatland and Swamps, Alpine Sphagnum Bogs and Associated Fens and potential or habitat for a number of threatened fauna species, including the Broad-toothed rat, Flame Robin and the Alpine She-oak Skink. The endangered Perisher Wallaby Grass was also detected near the proposed bottom station, with this area to be protected from the development.



Figure 2 | View of existing rope tow during winter (Source: Applicant's documentation)

The application seeks approval for removal of the existing rope tow, vegetation and rock clearing / reduction works and the installation of a J-bar lift with supporting infrastructure. The key components and features of the proposal are provided in **Table 1**.

Table 1 | Main Components of the development

Aspect	Description
Removal of existing infrastructure	<ul style="list-style-type: none"> • Removal of the rope tow lift, haul rope, bullwheel and pulley • A concrete footing at the bottom and top stations may also be removed
New Leichhardt J-Bar Lift	<ul style="list-style-type: none"> • Construction of a J-bar lift which will have a horizontal length of 302.45m, inclined length of 304.3m and a vertical rise of 33.3m • The new lift has a capacity of approximately 792 people / hour utilising 57 J-bars, an improvement from approximately 250 people / hour • The lift is to have a lower load position from the current rope tow, located further south and to the east to provide adequate space to access the lift

from the west (Mount Perisher direction) below the queuing and RFID gate for the Leichhardt Chairlift. Allowing for improved and a larger queuing area for the new lift.

- The lift is to have a higher top station with a higher unload point, slightly located further north when compared to the current rope tow.

Building works and built form elements

- The J-bar lift utilises the recycled components from the Cow Pastures J-bar which was removed in 2013 when it was replaced by the Freedom Chairlift at Guthega. The existing J-bar bottom and top stations will be utilised with new towers.
- Four (4) towers are proposed which are 7.5m in height (Towers 1-3) and 6.5m (Tower 4).
- Reuse and relocation of existing rope tow top and bottom station lift operator huts (**Figure 3**).
- RFID gate installed on a single footing, adjacent to the bottom station bullwheel.

Rock removal / reduction

- Rock removal / reduction using excavator removal techniques and / or blasting. Accessed by construction access tracks.
- Rock removal / reduction during mid to late September using oversnow access arrangements.
- Rock fragments to be placed within the excavated hole (to create habitat) or where blasted, rocks placed on the leeward side of trees and rocks.
- Filling of a depression (near proposed Towers 3 and 4) where access is required for construction.

Vegetation removal

- Tree removal works to be undertaken in conjunction with the rock reduction/removal works where these are grouped together, or individually.
- Where the trees are not able to be allowed to re-grow as they would obstruct the operation of the lift or associated ski slope, the trees will be cut to ground level and poisoned to prevent re-growth.
- Timber cut from the trees will either be removed and chipped or where practical, cut into manageable pieces and will be manually collected and stacked off the ski run, within the heath, unless directed otherwise.

Essential services

- A new up-hill safety communications cable (which connects the bottom station, top stations, and each tower together) and electricity lines will be either underbored or trenched.

Demolition and construction access

- Demolition and construction access will be through the existing access road, track and ski slopes. Rubber matting is also proposed to be laid on the ground to enable access to components of the works.

Estimated cost of works

- \$982,744.
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The Applicant notes that the development would represent additional capital investment into the resort by modernising the lifting infrastructure and improving efficiency, leading to overall improved visitor experiences.

The Applicant also states that:

- the existing rope tow is recognised as difficult to ride due to the use of a thin wire rope, its length and the unload area being too small and constrained by trees. The unload is also low on the slope, hampering the ability for skiers and snowboarders to traverse over to Lawson T-bar;
- the development would increase uphill capacity by 216% (from 250 approximately people per hour to 792 people per hour), to better match the current ski slope capacity and reduce queuing times;
- the replacement of the rope tow with a J-bar lift provides an improved alternate lift when the Leichhardt Chairlift is on wind hold and / or during peak visitation periods. The proposal also provides for improved skier / snowboarder circulation back to Front Valley while also providing access to additional beginner terrain with the removal of the rope tow enabling full use of the ski slope; and
- ultimately the proposed development will provide a better experience for resort guests by modernising the lifting infrastructure and reducing lift queue times and improving skier/boarder safety and enjoyment.



Figure 3 | View of existing rope tow bottom station, adjoining vegetation and proposed bottom station location (yellow circle) (Source: Applicant's documentation)

Supporting documents to this assessment report can be found on the NSW Planning Portal website at:

<https://www.planningportal.nsw.gov.au/development-assessment/state-significant-applications/projects/state-development-applications>

2 Matters for Consideration

2.1 Strategic Context

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 guest facilities through providing an upgraded lifting facility, which leads to additional visitation to the NSW ski resorts.

Snowy Mountains Special Activation Precinct Master Plan

The Snowy Mountains Special Activation Precinct Master Plan outlines the 40-year vision for the Snowy Mountains as a year-round tourist destination with new business opportunities, services and community infrastructure for the people that live, work and visit the region. Section 9.1.2 of the Master Plan relates to Perisher Range.

The proposal is consistent with the Master Plan as the works provide an increase to the existing lifting capacity for the Leichhardt region assisting in moving skiers around the resort, which is a key destination for visitors to the Alpine Precinct. The works have considered the existing sensitive environment and landscape attributes of Perisher Range.

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 and enhance the natural environment of the alpine resorts by ensuring that development in the resorts is managed in a way that is compatible with the principles of ecologically sustainable development (including the conservation and restoration of ecological processes, natural systems and biodiversity).

The Department considers the proposal is consistent with the Precincts - Regional SEPP as the development will be undertaken in an ecologically sustainable way to prevent adverse environmental, social or economic impacts on the natural or cultural environment, ensuring that KNP values are being protected and upheld.

Under the provisions of section 4.15 of the Precincts - Regional SEPP, the National Parks and Wildlife Service (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 KNP. NPWS have recommended conditions to prevent adverse environmental, social or economic impacts on the natural or cultural environment.

2.2 Permissibility

The proposal relates to replacement of an existing rope tow lift with a new J-bar lift. Pursuant to section 4.9 of the Precincts - Regional SEPP, works relating to 'lifting facilities' are permissible with consent within the Perisher Range Alpine Resort.

2.3 Mandatory Matters for Consideration

Objects of the EP&A Act

Table 2 | Objects of the EP&A Act

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 altering ski related infrastructure to increase lifting capacity, while minimising impacts on the environment through utilising different techniques for the construction (i.e. underboring for part of the works and rubber matting for construction access over existing vegetation) and restricting access to identified sensitive fauna habitats (i.e. altering alignments based on the Wallaby Grass at the bottom of the proposal and less sensitive vegetation at the top station).</p> <p>The inclusion of the J-bar lift would have significant positive social and economic impacts and improve circulation within the Leichhardt region and back to Front Valley, while also providing access to additional beginner terrain with the removal of the rope tow enabling full use of the ski slope.</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 included in the recommended conditions of consent, and where impacts on biodiversity may occur (as discussed in further in this report) this will be off-set through the appropriate BOS process.</p>
(c) to promote the orderly and economic use and development of land,	<p>The development seeks approval for works that are aimed at replacing the outdated rope tow with a J-bar lift to provide an improved guest experience and increase lifting capacity, which ensures the proper</p>

management and development of the land within Perisher Range Alpine Resort.

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| (d) to promote the delivery and maintenance of affordable housing, | Not applicable to this proposal. |
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| (e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats, | Impacts upon the environment have been limited to avoid sensitive areas where possible. Some of the vegetation disturbed by the works is mapped on the Biodiversity Values Map.

Unavoidable impacts from the development have been calculated through the Biodiversity Assessment Method, and credits will be required. |
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| (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.

NPWS commented that the Aboriginal cultural heritage assessment which is part of the application appears to have followed a suitable process. NPWS believe that appropriate due diligence in determining that the proposed works are unlikely to harm Aboriginal objects has been demonstrated. |
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| (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 natural environment. See discussion in Section 4 . |
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| (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 proposal is undertaken in accordance with legislation, guidelines, policies and procedures to ensure the health and safety of people and animals who may be present in the area of works (refer to Appendix A). |
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| (i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State, | The Department made the application publicly available on the NSW Planning Portal and held consultation with government agencies and considered their responses. |
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| (j) to provide increased opportunity for community participation in environmental planning and assessment. | The Department made the application publicly available on the NSW Planning Portal website for 28 days from 23 September 2022 until 21 October 2022. |
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Considerations under section 4.15 of the EP&A Act

Table 3 | 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 principal EPI which applies to the site for this type of development. An assessment against the requirements of Chapter 4 of the Precincts - Regional SEPP is provided below.</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. Environmental impacts have been contained where possible and site works can be appropriately managed and mitigated through conditions of consent.</p>
(c) the suitability of the site for the development,	<p>The site is suitable for the development and supports the ongoing use of the ski lift and snow-based winter activities in the resort. See further discussion in Section 4 of this report.</p>

(d) any submissions made in accordance with this Act or the regulations,

Consideration has been given to submissions received from the NPWS. Refer to **Section 3** and **Section 4** of this report.

(e) the public interest.

The works are consistent with the aim and objectives of Chapter 4 of the Precincts - Regional SEPP, including the objective to encourage the carrying out a suitable range of development in the resort areas to support sustainable tourism in the Alpine Region. The development will be compatible with the ongoing operation of the winter snow resort.

Temporary impacts to the environment have been identified and will be appropriately managed, mitigated and contained. The development is considered to support the economic viability of the Resort while maintaining the health and diversity of the environment, thereby supporting the principles of ESD.

The approval of the proposal is considered to be consistent with the public interest.

Environmental Planning Instruments

State Environmental Planning Policy (Precincts - Regional) 2021 (Precincts - Regional SEPP) is the principal EPI applicable to the development.

Chapter 4 of the Precincts – Regional SEPP was replaced with new policy requirements on 16 December 2022 during the assessment of the application, however, as the application was received prior to this date (15 September 2022), the application is considered against the provisions at the time of lodgement.

Consideration of the relevant provisions to the proposal within Chapter 4 of the Precincts - Regional SEPP is outlined below:

Table 4 | Chapter 4 considerations

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, provides new lifting facilities within the resort and considers the environment impact of the proposal.

(b) the conservation of the natural environment and any measures to mitigate environmental

The Applicant has provided a Geotechnical Assessment in accordance with the Department's

hazards (including geotechnical hazards, bush fires and flooding),

Geotechnical Policy which confirms that the proposal as described may proceed provided certain design, construction and maintenance recommendations are adopted to maintain and reduce the risk of instability of the site and to control future risks. These recommendations do not involve any measures outside of the scope of the proposal as described that would adversely impact on the conservation of the natural environment.

Whilst the site is bushfire prone, the structures are unlikely to be significantly affected by bushfire as they are proposed of metal and the services are proposed primarily underground.

(c) the cumulative impacts of development on existing transport, effluent management systems, waste disposal facilities or transfer facilities, and existing water supply,

The proposal is for a new lift within the Perisher Valley precinct, replacing the previous Home Rope Tow. This will increase the uphill lift capacity by 216% (from 250 approximately people per hour to 792 people per hour).

The new type of lift is not expected to directly influence the overall number of people visiting the Perisher Range alpine resort or the arrival and egress patterns, as it is intended to ease congestion on both the Leichhardt Chairlift and the Happy Valley T-bar.

Given this, it is not expected that there will be an additional demand on effluent management systems, waste disposal and transfer facilities, the existing water supply, or car parking requirements.

(d) any statement of environmental effects (SEE),

The SEE and supporting information supplied are considered adequate to enable a proper assessment of the works.

(e) the character of the alpine resort,

Replacing the existing rope tow with a new lift will enhance the existing character of Perisher Valley precinct, on the basis that it will provide an improvement to the existing rope tow which does not provide a suitable guest experience with limited usage and uplift capacity.

A new lift is also consistent with the ski related infrastructure throughout the Perisher Range alpine resort.

(f) the Geotechnical Policy – Kosciuszko Alpine Resorts,	Refer to discussion in Section 4 .
(g) any sedimentation and erosion control measures,	<p>The construction of the works would involve earthworks (in particular the stations, towers, and rock removal / reduction works) and implementation of appropriate sedimentation and erosion control measures.</p> <p>Sedimentation and erosion control are adequately addressed in the SEMP and SEE. Conditions are recommended to ensure implementation during 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,	<p>The visual impact of the proposal is discussed in Section 4. Overall, the impacts are considered to be acceptable, particularly when the proposal is not able to be viewed from the Main Range.</p> <p>The new lift infrastructure will be consistent with other ski lift infrastructure within the resort.</p>
(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. The new lift is proposed for use during the winter season.
(k) if the development involves the installation of ski lifting facilities,	<p>The new lift will improve the capacity and assist in skier / snowboarder movement between ski areas.</p> <p>The site contains the necessary infrastructure and services to support the development as proposed, and therefore is not expected to place additional burden on existing infrastructure or access to, from or in Perisher Range Alpine Resort.</p>
(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 discussion in Section 4 .
(m) if the development is proposed to be carried out on land in a riparian corridor.	The site is not within a riparian corridor.

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

The proposal was referred to the NPWS pursuant to section 4.15 of the Precincts - Regional SEPP. Refer to comments received at **Section 5** and as required, discussions on the proposal at **Section 3**.

Section 4.24 – Heritage conservation

European heritage

The proposal would not impact on any European heritage items.

Aboriginal heritage

The NPWS raised no concerns with the proposal, with the Aboriginal cultural heritage assessment appearing to have followed a suitable process. Appropriate due diligence has occurred in determining that the proposed works are unlikely to harm Aboriginal objects has been demonstrated.

NPWS 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.

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 proposal works have been developed having regard to ESD principles, in accordance with the objects of the EP&A Act as follows the:

- works replace and improve existing ski lifting facilities, thereby supporting the orderly and economic use of the site
- proposal is not expected to adversely impact upon the health, diversity, or productivity of the environment for future generations, and
- 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.

Vegetation is expected to be impacted during the proposed works, where the works are within an area mapped on the BVM. This triggers the BOS under the BC Act.

A Biodiversity Development Assessment Report (BDAR) has been submitted with the application. The BDAR outlines the measures taken to avoid, minimise and mitigate impacts to the vegetation and habitats present within the development footprint during the design, construction and operation of the development. The residual unavoidable impacts of the proposed development were outlined in the BDAR and calculated in accordance with the BAM by utilising the Biodiversity Assessment Method Credit Calculator.

A total of two (2) ecosystem credits and three (3) species credits are required to offset the unavoidable impacts to the vegetation and habitats present within the development footprint.

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.

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

3 Submissions

3.1 Department's engagement

The Department's Community Participation Plan (CPP), November 2019, prepared in accordance with Schedule 1 of the EP&A Act generally requires applications to be exhibited for a period of fourteen (14) days. The Department extended the exhibition period to twenty-eight (28) days as the proposal is similar to the erection or extension of a new ski-lift line, for which the CPP indicates an exhibition period of twenty-eight (28) days, and the extended exhibition timeframe was considered to be consistent with the public interest.

The Department exhibited the application between 23 September 2022 until 21 October 2022 on the NSW Planning Portal and notified all lodges within Perisher Range Alpine Resort of the works.

The application was also forwarded to the NPWS pursuant to section 4.15 of Chapter 4 of the Precincts – Regional SEPP.

3.2 Summary of submissions

No public submissions were received.

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

- NPWS advised that the proposed works would need to be encompassed within a lease to address the 'Consolidated Mountain Lease' with Perisher Blue Pty Ltd. Further discussions with NPWS are to be held between the Applicant and NPWS.
- NPWS commented that the Applicant has demonstrated some consideration of the BC Act. Additional information and assessment of impacts to native vegetation was requested, including an endangered ecological community.
- Environmental protection measures are recommended during construction relating to the management of clearing, erosion, waste, weeds, stockpile management, construction machinery protocols, and measures for the protection flora and fauna including fencing off sensitive 'no go' areas. Monitoring plans were also requested including plans for the 'Alpine Sphagnum Bogs and Associated Fens EEC', and a detailed 'rehabilitation and monitoring plan'.

3.3 Response to Submissions

The Department placed a copy of the NPWS submission on its website and requested the Applicant provide a response to the NPWS comments.

On 2 November 2022, the Applicant provided a response to the NPWS comments (including submission of an amended BDAR), which noted that:

- the Applicant would liaise with NPWS on leasing arrangements;

- the proposal has been subject to an extensive site analysis and consideration of impacts upon the Alpine Sphagnum Bogs and Associated Fens EEC areas of the existing site, with these areas largely avoided through:
 - utilising an existing lift corridor
 - re-aligning the preferred lift alignment
 - using under boring construction; and
 - employing construction management techniques to reduce impacts
- the Applicant proposes to undertake qualitative monitoring of the development site that would allow for an efficient method of monitoring to establish changes occurring with the identification of indicators that trigger intervention / remediation works and any intervention / remediation measures required.

The RtS was made publicly available on the NSW Planning Portal and referred to NPWS for comment.

On 30 November 2022, the NPWS met with the Applicant to discuss the proposal and its concerns. This conversation predominantly related to the underbore works (and its impact upon the Alpine Sphagnum Bogs and Associated Fens EEC) between the bottom station and Tower 3 (**Figure 4**) for the installation of the uphill safety line and electricity.



Figure 4 | Proposed Tower 3 location looking back towards existing bottom station of the Home Rope Tow (Source: Applicant’s documentation)

On 6 December 2022, the NPWS commented that whilst the amended BDAR is improved, additional information and assessment of impacts to native vegetation. Expert advice following the meeting on 30 November 2022 is yet to be received.

On 14 March 2023, following additional discussions with the Applicant and discussions with consultants involved in the meeting of 30 November 2022, the NPWS advised that any outstanding matters are capable

of being resolved through conditions of consent, including the need for the rehabilitation and monitoring plan to include a section on the Alpine Sphagnum Bogs and Associated Fens EEC.

The Department has considered the comments received from the NPWS in **Section 4** or through recommended conditions in the proposed instrument of consent at **Appendix A**.

4 Assessment

The Department has considered the relevant matters for consideration under section 4.15 of the EP&A Act, the SEE and supporting information, and the submissions from the public in its assessment of the proposal. The key issues in the Department's assessment of the proposal are:

- Consistency with the Perisher Blue Ski Resort Ski Slope Master Plan
- Impacts on biodiversity
- Visual impact

Each of these issues is discussed below along with other minor issues.

4.1 Consistency with the Perisher Blue Ski Resort Ski Slope Master Plan

The PBSSMP sets the overall master plan for the provision and management of facilities on the ski slopes of the Perisher Range alpine resorts. The Perisher Valley ski precinct (Chapter 6 – Precinct 1) identifies the need to achieve a more efficient use in Front Valley and Centre Valley, through major upgrading of lifts. In relation to the existing Home Rope Tow, the PBSSMP states:

'The Home Rope Tow is intended to be relocated to the east and upgraded to a T-bar (Figure 5) to make it easier to ride. It would have less crossfall than the existing rope tow track and a more open, higher unload point, providing better milling space and transition to the Lawson Chairlift area. The relocation would open additional skiing terrain on the lower slopes served by the Leichhardt lift. Its new location would be in an area which is less sensitive environmentally and free of existing trees.'

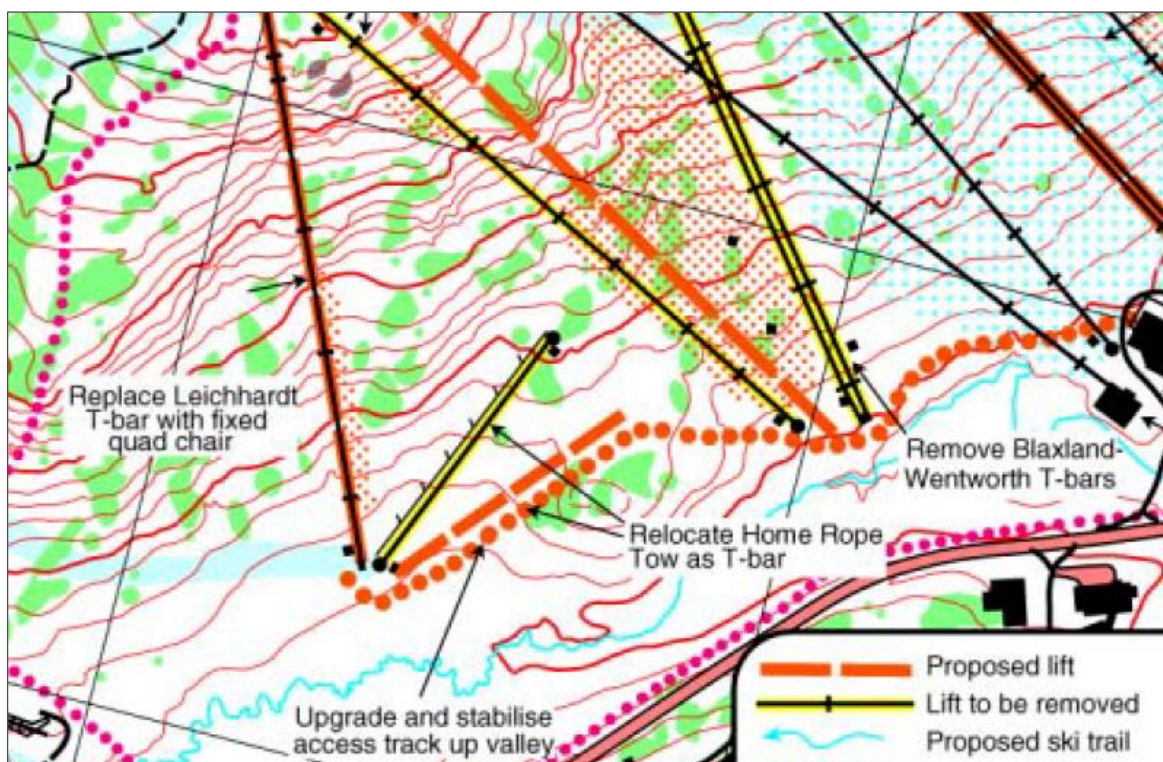


Figure 5 | Extract illustrating alignment of existing rope tow and expected lift (Source: PBSSMP)

The proposal is considered to be consistent with intent of that envisaged by the PPBSSMP, while noting that the proposed alignment of the lift is altered to be more aligned with that of the existing rope tow (avoiding sensitive environmental and aboriginal archaeological areas) and a J-bar is proposed rather than a T-bar with the Applicant commenting that:

'With regard to the selection of a J-bar over a T-bar as originally outlined in the PSSMP, Perisher has chosen a J-bar as this will provide sufficient capacity, is better suited for beginners and lower intermediate riders than T-bar's, has a marginally smaller footprint and can recycle parts of the existing Cow Pastures J-bar lift it has in storage'.

Noting the provisions within the PBSSMP and the comments from the Applicant, the Department concludes that the proposal, while not along the PBSSMP alignment, is consistent with that envisaged in the PBSSMP, avoid sensitive areas along the ski slope and also provides for improved skier / snowboarder circulation back to Front Valley, while also providing access to additional beginner terrain with the removal of the rope tow enabling full use of the ski slope.

4.2 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

In support of the proposed works, the Applicant submitted a BDAR as required under the BC Act due to the development area being identified on the Biodiversity Values Map (**Figure 6**) as having an area of high biodiversity value, which triggers the Biodiversity Offset Scheme.



Figure 6 | Biodiversity Values Map illustrating the existing rope tow alignment and the surrounding high biodiversity value (Source: Biodiversity Values Map and Threshold Tool)

The BDAR identified that the proposed development would impact upon approximately 0.06ha of native vegetation and associated habitats. This 0.06ha is located along the lift alignment, proposed access tracks to undertake the works and vegetation clearing to facilitate the unloading area.

The BDAR also identified that proposed development site supports three plant community types, comprising '*Alpine and sub-alpine peatlands, damp herbfields and fens, South Eastern Highlands Bioregion and Australian Alps Bioregion; Alpine Snow Gum shrubby open woodland at high altitudes in Kosciuszko NP, Australian Alps Bioregion; and 643 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. The Flame Robin and Alpine She-oak Skink are known to occur in adjoining habitats and / or have potential to occur within the development site. No evidence of the Guthega Skink was detected. The endangered Perisher Wallaby Grass was detected near the proposed bottom station, which resulted in the design of the proposal being amended to avoid this location.

As a result of the proposed works, the BDAR determined that 2 ecosystem and 3 species credits are required to offset the unavoidable impacts to the vegetation and habitats present within the works area.

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 raised concerns over the impact of the proposal as provided within the BDAR and sought additional justification and consideration of the works (requiring a revised BDAR), in particular having regard to the impacts from the underboring, rock removal and excavations for footings within the Alpine Sphagnum Bogs and Associated Fens EEC. The BDAR is also to review the impacts of the proposed access track disturbance that is to be 3.5m wide.

Following additional discussions with the Applicant (refer to **Section 3**), the NPWS advised that conditions of consent could resolve any outstanding matters. This includes the preparation of a 'Rehabilitation and Monitoring Plan' that is to include a section on the 'Alpine Sphagnum Bogs and Associated Fens EEC', with consultation with NPWS, which ensures that monitoring of the site works is to occur and rehabilitation of impacts be addressed appropriately.

The Department considers that impacts to the environment have been sufficiently avoided and mitigated and with the submission of the above monitoring plans, the impacts are considered to be acceptable.

Construction impacts and access

To facilitate the construction of the proposal, the site would be accessed predominantly of the existing Leichhardt access track and access existing disturbed areas where possible. Where no existing access tracks are available, the Applicant intends to utilise rubber mats for the excavator to traverse the ski slope to the lift alignment (**Figure 7**).

An underbore is also proposed to be utilised between the bottom station and Tower 3 to provide a trench / conduit for the up-hill safety line and electricity cable rather than a traditional trench with this sensitive bog vegetation.

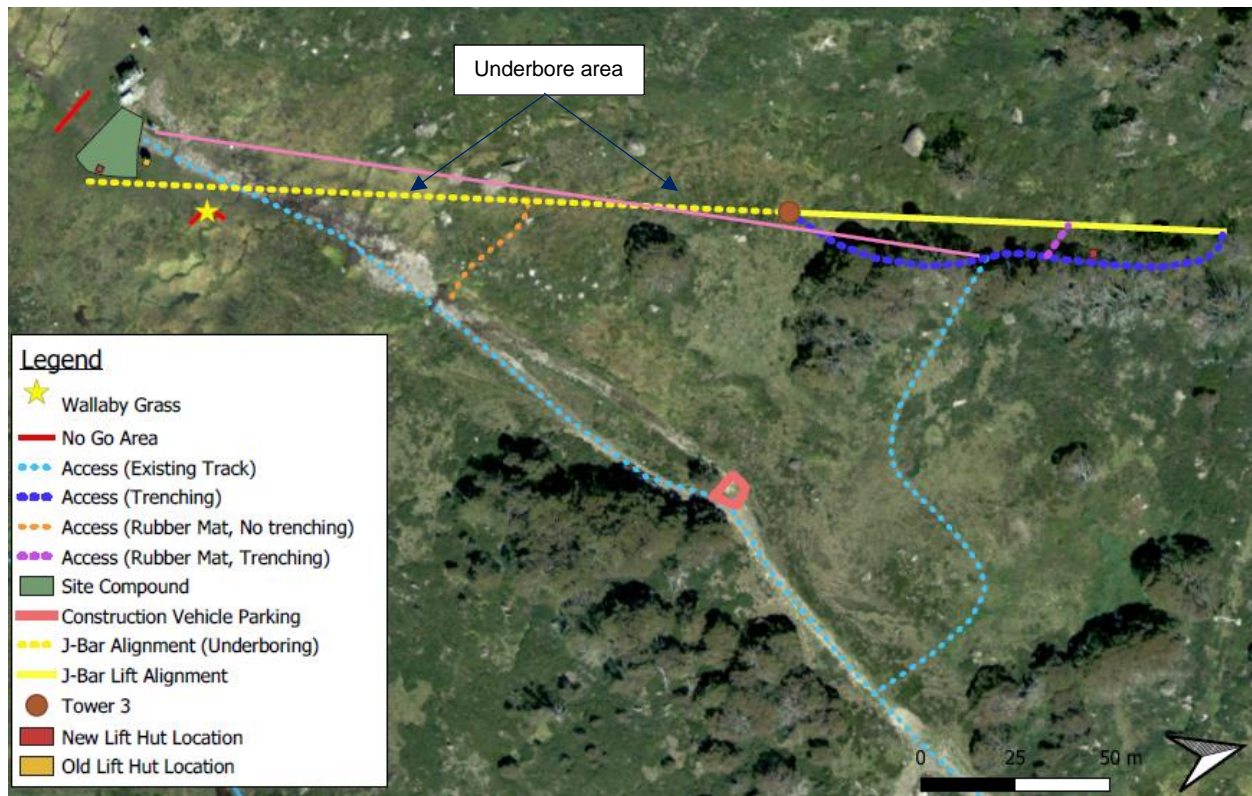


Figure 7 | Alignment of existing and proposed, construction access, underboring area, vehicle parking and location of Wallaby Grass that is avoided (Source: Applicant's documentation)

Parking would be available at the site during construction off the existing Leichhardt access track or within the Perisher car park, and all construction activities will be required to be contained on the site.

Construction impacts such as noise and vibration will be managed in accordance with standard environmental conditions.

The Department has also recommended standard construction conditions applied in the Alpine area, along with recommended conditions from the NPWS. The NPWS has recommended that all machinery and equipment must be stored on existing disturbed areas (i.e. stockpile and staging areas on ski slopes) and should not be stored on native vegetation.

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 '*Soil Stockpile Guidelines for the Resort Areas of Kosciuszko National Park, October 2017*'.

Subject to compliance with these conditions, the Department is of the view that the construction of the proposed works would not impact upon buildings located on the opposite side of Kosciuszko Road or the environment.

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 BC Regulation. 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
- preparation of a rehabilitation and monitoring plan, which includes a section on the Alpine Sphagnum Bogs and Associated Fens EEC and construction personnel and contractors being trained in the identification of the Anemone Buttercup
- rehabilitation of disturbed areas and the appointment of an Environment Officer to monitor works

4.3 Visual impact

The visual impact of the new lift within the context of the ski fields and the Main Range is a consideration for the Department as part of this application. The lift and associated infrastructure would be visible from a number of areas, predominantly from Kosciuszko Road / lodges located to the south (**Figure 8**).



Figure 8 | Photograph of existing site and adjoining Leichhardt Chairlift infrastructure taken from Kosciuszko Road (Source: Department inspection)

Clause 4.12(1)(i) of the Precincts - Regional SEPP (at the time of lodgement, since amended) requires the consent authority to take into consideration any visual impact of a proposed development, particularly when viewed from the Main Range, when determining a development application.

While the site is not visible from the Main Range, noting that the site is partly screened from the Main Range by the existing landscaped ridgeline which the Leichhardt Chairlift rises above, consideration of visual impacts is still an important component of the suitability of the proposal in the context of the site.

The Applicant comments that:

- The proposed development involves removal of the existing rope tow and replacement with a J-bar that includes bottom and top station bullwheels and four (4) new towers, each between 6.5m and 7.5m in height. The existing lift huts will be relocated.
- The development does not include any enclosed buildings or structures that would dominate the local natural or built environment.
- The new lift is located immediately adjacent to an existing lift, in a locality that includes multiple lifts and ski related infrastructure.
- The new lift is not visible from the Main Range and is not located within a highly visible location.

Overall, the Applicant considers that the visual impacts generated by the replacement lift is expected to be minimal and acceptable in context of its location within an alpine resort.

The Department also acknowledges that the structures are designed to blend into the environment and background with the use of a grey finish to the towers and lift huts. The installation of new bottom and top stations and towers in between is consistent with other ski lifting infrastructure within the immediate locality.

Considering the above, the Department concludes that the visual impacts are acceptable as the proposed new lift is not visible when viewed from the Main Range and is of a similar height and construction to the adjoining Leichhardt Chairlift.

4.4 Other Issues

The Department’s consideration of other issues is provided at **Table 5**.

Table 5 | Summary of other issues

Issue	Assessment	Department considerations
Geotechnical	<ul style="list-style-type: none"> • The Department notes that the site is located within the G zone identified on the Department’s Geotechnical Policy – Kosciuszko Alpine Resorts Perisher Valley Map. • The Applicant has provided a geotechnical investigation report in support of the proposal by Asset Geotechnical Engineering Pty Ltd and a Form 1 <i>‘Declaration and certification made by geotechnical engineer or engineering geologist in a geotech report’</i>. • Risks considered included ‘shallow earth slide’, ‘deep seated earth slide’, ‘translational earth slide 	<p>The Department raises no concerns with the proposal, subject to implementation of the recommendations as proposed by Asset Geotechnical Engineering Pty Ltd.</p> <p>The investigation carried out on site (hand-drilled boreholes and undertaking Dynamic Cone Penetrometer soundings) and suitable recommendations are included to further ensure geotechnical considers during construction.</p> <p>Conditions are recommended to ensure the recommendations included within the geotechnical investigation report are implemented and also that further certification is provided throughout the construction phase in accordance with the</p>

(slow creep movement)', 'rock topple (whole or partial) of detached granite boulders', and 'instability of permanent cut / fill slopes'. The overall risk of the above was considered to be 'Low'.

- Recommendations are provided for, but not limited to, earthworks and footings.
- The investigation states that the site is geotechnically suitable for the development provided that the development is carried out in accordance with the recommendations and advice in this report including the following Development Approval Conditions.

Department's Geotechnical Policy. This includes the provision of:

- a Form 2 prior to issue of a Construction Certificate confirming that structural documents are prepared and verified by the structural or civil engineer and in accordance with the geotechnical report
- a Form 3 following construction and prior to issue of the Occupation Certificate that confirms the works have been carried out in accordance with the geotechnical report

Leasing

- NPWS recommended that the proposed works be encompassed within a lease with the Applicant.
- The Applicant has noted this recommendation and is proposing to liaise with NPWS.

The Department has recommended a condition to require the Applicant to consult with the NPWS to determine any lease required, and the appropriate lease be obtained and in place prior to the commencement of construction works.

5 Recommendation

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 is permissible with consent under the Precincts - Regional SEPP
- there will not be a significant impact on any threatened species, populations or ecological communities and the natural environment and cultural values associated with KNP are protected
- replacement of the existing Home Rope Tow with a J-bar complements the surrounding setting with the works providing opportunities for improved skier movement within Perisher Range Alpine Resort
- construction impacts are acceptable with impacts minimised, while acknowledging the works are consistent with the regional plan for the locality and supports visitation to the ski resorts
- the recommended conditions require construction impacts to have regard to the existing native vegetation, disturbed areas to be rehabilitated and an environmental officer to monitor construction

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. In accordance with the Minister's delegation of 9 March 2022, the Director, Regional Assessments may determine the application as:

- no reportable political donation has been disclosed,
- there are less than fifteen (15) public submissions in which objection to the proposal has been raised,
- the application is in relation to land to which Chapter 4 of the Precincts - Regional SEPP applies.

It is recommended that the Director, Regional Assessments, as delegate of the Minister for Planning:

- **considers** the findings and recommendations of this report
- **accepts** and adopts 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 22/11891, subject to the recommended conditions
- **signs** the attached Development Consent (**Appendix A**).

Recommended by:



Mark Brown
Senior Planning Officer
Alpine Resorts Team

Adopted by:



18/8/2023

Keiran Thomas
Director
Regional Assessments
as delegate of the Minister for Planning

Appendices

Appendix A – Recommended Instrument of Consent