



# Guthries Chairlift, Charlotte Pass

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Development Application Assessment  
DA 22/12013

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

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# Glossary

Abbreviation	Definition
<b>BCA</b>	Building Code of Australia
<b>BC Act</b>	<i>Biodiversity Conservation Act 2016</i>
<b>BC Regulation</b>	<i>Biodiversity Conservation Regulation 2017</i>
<b>BVM</b>	Biodiversity Values Map
<b>Consent</b>	Development Consent
<b>CPP</b>	Community Participation Plan
<b>DCCEEW</b>	Department of Climate Change, Energy, the Environment and Water
<b>Department</b>	Department of Planning, Housing and Infrastructure
<b>DPE Water</b>	Former Department of Planning and Environment – Water (now DCCEEW)
<b>EP&amp;A Act</b>	<i>Environmental Planning and Assessment Act 1979</i>
<b>EP&amp;A Regulation</b>	<i>Environmental Planning and Assessment Regulation 2021</i>
<b>EPBC Act</b>	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
<b>EPI</b>	Environmental Planning Instrument
<b>ESD</b>	Ecologically Sustainable Development
<b>KNP</b>	Kosciuszko National Park
<b>Minister</b>	Minister for Planning and Public Spaces
<b>NPWS</b>	National Parks & Wildlife Service
<b>Planning Secretary</b>	Secretary of the Department of Planning, Housing and Infrastructure
<b>SEPP</b>	State Environmental Planning Policy
<b>TfNSW</b>	Transport for New South Wales

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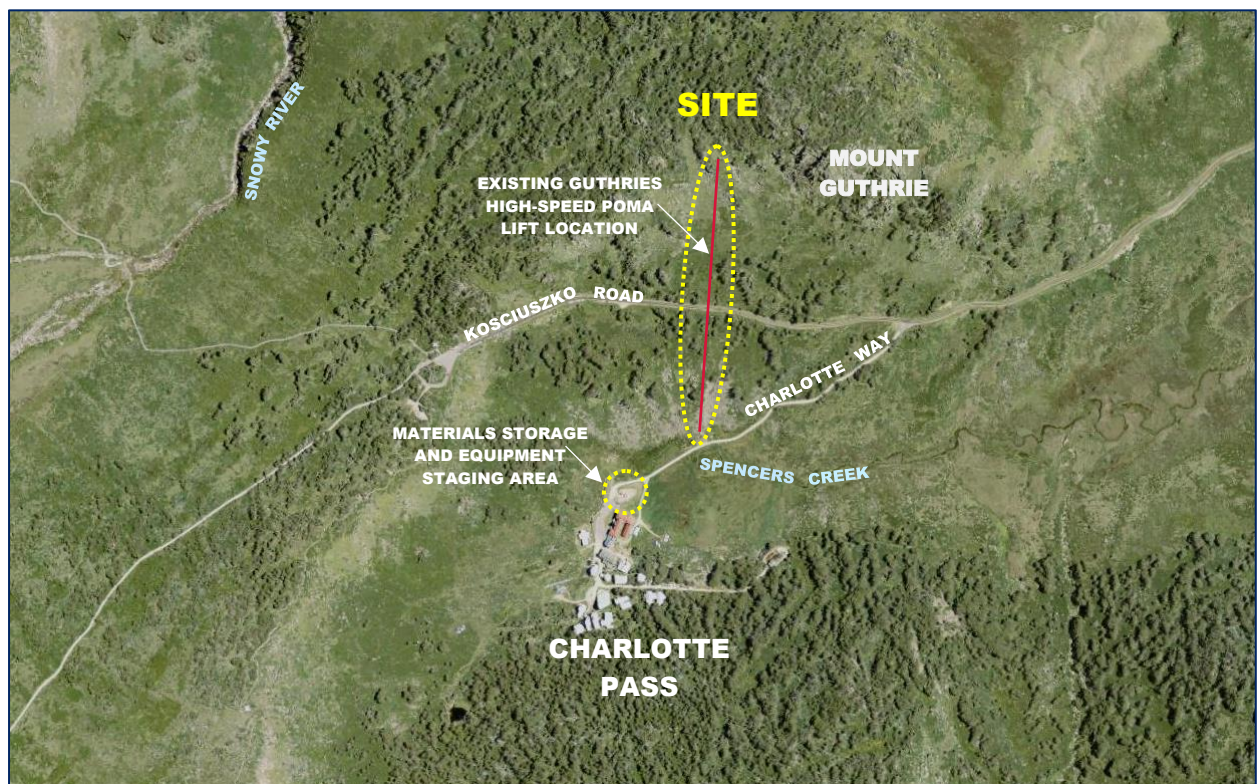


# 1 Introduction

## 1.1 The Department's assessment

This report details the assessment of Development Application DA 22/12013 seeking approval for the removal of the Guthries Poma ski lift and installation of a double (two-person) chairlift on the ski slopes at Charlotte Pass, 80 Charlotte Way (Lot 100 DP 1242013), including works across and within the road reserve of Kosciuszko Road (Lot 101 DP 1067727) and an equipment staging area (Lot 116 DP 1242013) within KNP, located approximately thirty (30) kilometres south-west of the township of Jindabyne (**Figure 1**).

The new chairlift will be constructed as a replacement of the existing Guthries Poma, following the same general alignment. Charlotte Pass Snow Resort Pty Ltd (CPSR) (Applicant) advises that the existing infrastructure requires upgrading, and that the new double chairlift will be more suitable for beginner and intermediate skiers and snowboarders, allowing for a more diverse range of visitors with varying snow sport experience.



**Figure 1 |** Charlotte Pass and the development site (Source: SIX Maps 2024 with annotations)

In assessing the development, the Department of Planning, Housing and Infrastructure (the Department) has considered all documentation submitted by the Applicant, including the Statement of Environmental Effects (SEE) and accompanying information, together with submissions from Government authorities. The Department's assessment also considers the legislation and planning instruments relevant to the site and the development, including broader planning principles relating to ecologically sustainable development.

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

## 1.2 Site location and context

The proposed development is located within the Charlotte Pass Alpine Resort which is located in the southern part of KNP. Charlotte Pass Alpine Resort is principally a winter destination providing services and accommodation for visitors accessing the resort's ski slopes and cross-country ski trails. It also provides a visitor and accommodation base throughout the year for non-snow activities, particularly hiking and mountain bike riding during the summer months as the resort is the closest village to Mount Kosciuszko. In winter the resort can only be accessed via over-snow transport from the Perisher Skitube Terminal, and by road in warmer months via Charlotte Way near the western terminus of Kosciuszko Road.

The village of Charlotte Pass is located downslope from Kosciuszko Road in a valley between Mount Guthrie to the north and Mount Stilwell and Little Stilwell to the south. The village is predominately surrounded by native vegetation that provides habitat for a range of threatened and endangered flora and fauna species. Spencers Creek runs north past the western side of the village and then turns east, passing under Charlotte Way near the base station of the Poma before flowing on through Johnnies Plain. The resort operates five (5) lifts on the north and western slopes within the valley (**Figure 2**).



**Figure 2 |** Existing lifting infrastructure within Charlotte Pass Snow Resort, with Guthries High Speed Poma highlighted with the orange dash line (Source: Applicant's documentation with annotation)

The primary development site is approximately 580 metres in length at the location of the existing snow-surface Poma lift, referred to as the Guthries High Speed Poma. The lift extends approximately 550 metres north from a bottom station near Charlotte Way (**Figure 3**) at an approximate altitude of 1754 metres above sea level (asl), over a large boulder field and across Kosciuszko Road to a top station at approximately 1892 metres asl (**Figure 4**) located on the western shoulder of Mount Guthrie (**Figure 5**). The primary development site also includes part of the road reserve of Kosciuszko Road that is under the control of Transport for NSW (TfNSW).

A lightly-formed, four-wheel-drive track that enables summer access to the exiting Poma top station is accessed from Kosciuszko Road.





**Figure 3 |** Existing poma bottom station, operators hut and towers (Source: Applicant's documentation)



**Figure 4 |** Existing poma top station operators hut (Source: Applicant's documentation)



**Figure 5 |** Contour plan indicating the general alignment of the existing and proposed lifting infrastructure (Source: Applicant's documentation - annotated)



A secondary site is proposed to be used as a materials storage and equipment staging area during both the demolition and construction phases of the project. This laydown area is located on the northern half of Lot 116 DP 1242013, adjacent to the Kosciuszko Chalet Hotel, approximately 140 metres to the south west of the bottom station of the existing Poma lift (**Figure 6**).



**Figure 6** | Location of materials storage and equipment staging area shaded yellow (Source: Planning Portal spatial data - annotated)



## 2 Project

The application seeks approval for removal of the existing Guthries Poma ski lift and the ancillary poma buildings, and replacement with a double chairlift together with construction of new ancillary lift buildings. The key components and features of the proposal are outlined below in **Table 1**.

**Table 1 | Main project components**

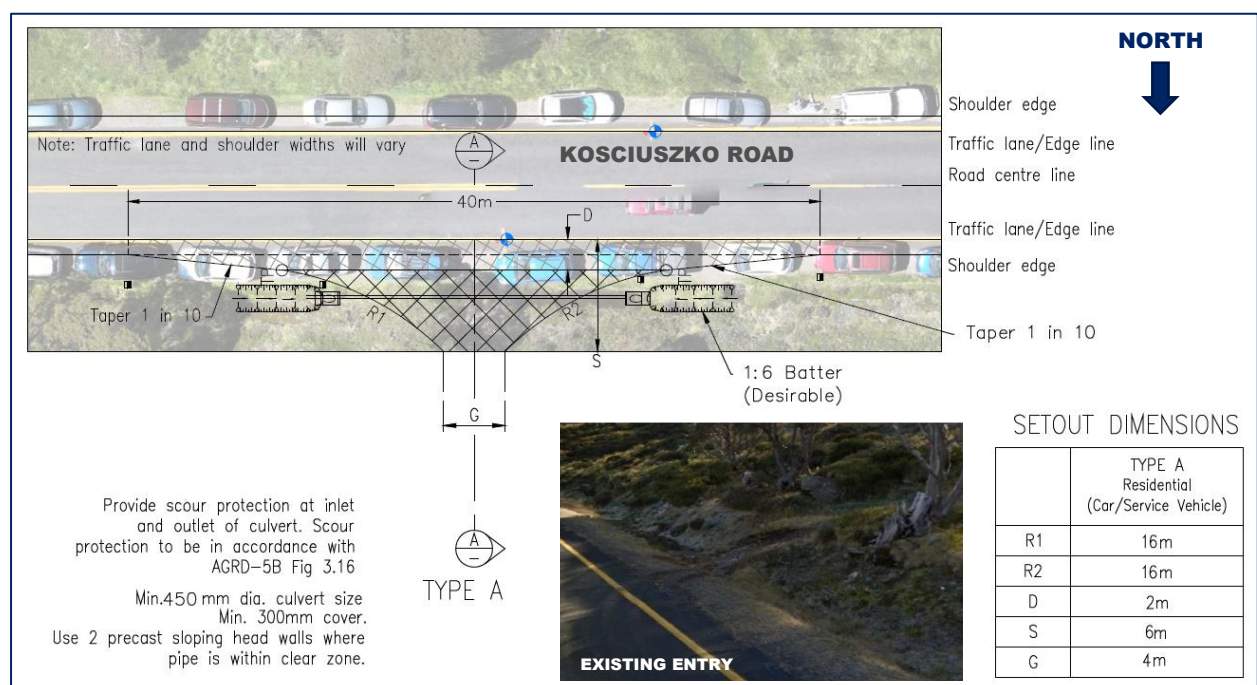
Aspect	Description
Site access	<ul style="list-style-type: none"> <li>Construction access road works, upgrading the crossing entry area from Kosciuszko Road to the access trail and then also the track north to the top station, as outlined in <b>Section 2.1</b>.</li> </ul>
Demolition and removal of existing ski lift	<ul style="list-style-type: none"> <li>Removal of the existing Guthries High Speed Poma, including removal of the existing top and bottom stations (excluding footings, other than where permitted for the new top station), removal of the poma haul rope and nine (9) towers (excluding footings, other than for Tower 8), removal of the bull-wheel and counterweight (large block of concrete) - refer to <b>Section 2.2</b>.</li> </ul>
Construction of new ski lift and built form	<ul style="list-style-type: none"> <li>Installation of a new double chairlift (551 metres in length with a vertical rise of 137.5 metres from bottom to top), including new top and bottom stations, seven (7) towers, with the line of the chairlift to be located generally within the existing alignment of the Guthries Poma - refer to <b>Section 2.3</b>.</li> </ul>
Vegetation removal	<ul style="list-style-type: none"> <li>Removal or trimming of 0.36 hectares of the native vegetation to facilitate the construction of the top station, tower footings, laydown areas and construction access - refer to <b>Section 2.4</b>.</li> </ul>
Earthworks and drainage	<ul style="list-style-type: none"> <li>Earthworks including the excavation of new footings for the seven (7) new towers and the top and bottom stations, for the mounding to construct the unloading area near the top station, as well as in the construction of the rock retaining walls.</li> <li>Upgrading the current access track from Kosciuszko Road north (upslope), where the track is proposed to provide ongoing all-weather summer access to the top station for personnel.</li> <li>Trenching between the bottom station bull wheel and operator hut for the installation of power cables and hydraulic drive and brake tube lines.</li> <li>Drainage works within the road reserve adjoining Kosciuszko Road and installation of subsoil drains at the base of the retaining walls.</li> <li>The proposed earthworks to be carried out during the project are outlined in <b>Sections 2.1 to Section 2.5</b>, including drainage in <b>Section 2.5</b>.</li> </ul>
Storage and laydown area	<ul style="list-style-type: none"> <li>A staging area for the storage of demolition and construction materials is proposed within the village of Charlotte Pass. It is also the designated area for parking vehicles and machinery associated with the project, and is intended as the helicopter landing area – refer to <b>Section 2.5</b>.</li> </ul>

Rehabilitation	<ul style="list-style-type: none"> <li>Rehabilitation of impacted areas following removal of vegetation and placement of footings.</li> </ul>
Hours of operation	<ul style="list-style-type: none"> <li>The application indicates the proposed hours of operation as 24 hours a day, 7 days a week.</li> </ul>
Cost of works	<ul style="list-style-type: none"> <li>The application states the cost of works as \$2,409,000.</li> </ul>

## 2.1 Access entry and track upgrade

Site preparation works are required to upgrade an existing primitive 4WD bush track for the purposes of this project, as follows:

- The existing access track entry from Kosciuszko Road upslope (to the north) requires upgrading to comply with Transport for NSW (TfNSW) requirements within the road reserve. The initial General Terms of Approval issued by TfNSW for the project were conveyed to the Applicant, and details requested of the revised entry design to comply with those GTAs. The Applicant has provided an indicative plan (**Figure 7**).
- Beyond the necessary upgraded entry area within the road reserve, the Applicant has also proposed upgrading the narrow access track that extends north to the existing Poma top station. The works include vegetation removal along the track corridor, track reforming earthworks and the proposed filling of drainage lines before laying gravel. The details as to the nature of these works is limited. The upgraded track is intended to be used throughout this project and also for ongoing use by Resort personnel at the completion of works.



**Figure 7 |** Access track entry work from Kosciuszko Road (Source: Applicant's documentation - annotated)



## 2.2 Removal of the Guthries Poma Lift

Proposed site preparation and works include the removal of the poma lift, towers and associated structures, as described below:

- The Applicant initially intended to remove the existing lift towers over the snow if the scheduling of works coincided with snow cover. However, they have since updated the timing of the proposed works and confirmed there will be no over-snow works associated with any part of the demolition, with removal of all structures other than the bottom station to occur via helicopter. The Applicant advises that ground personnel assisting with the removal of the Poma towers via helicopter will access all existing Towers 1 to 9 on foot from Kosciuszko Road and utilise hand tools only (no machinery) at the site. The tower anchor bolts will be cut off at the concrete footing and the whole tower will then be removed via helicopter.
- Access to the Poma top station and adjoining Poma top operator hut, bull wheel and concrete counterweight are advised to require an excavator as well as ATV access, which will gain access via the upgraded access track from Kosciuszko Road. A helicopter will be used to remove the demolished top station and operator hut waste and the bull wheel, and to lift the counterweight to the new chairlift top station unloading ramp area. The relocated counterweight will then be broken up with a hand-operated rock hammer and utilised as fill in the construction of a new unloading ramp for the chairlift. An excavator will be taken to the top station where the foundation of the top operator hut will be broken up by the excavator and used in the unload ramp construction. The Applicant advises that the foundation for the top station is to be left in situ unless it interferes with the new station.
- While throughout the documentation provided with the application the Applicant has specified that all the existing poma tower footings are to remain in situ, indicating that this is to limit any further disturbance and excavation or potential harm to local flora and fauna, the Applicant belatedly requested a variation to the works. The Applicant now indicates that the tower footing for existing poma Tower 8 needs to be removed as the footing may interfere with the construction of the return station/ offload ramp of the new chairlift top station.
- The Poma bottom station and operator hut will be accessed by the excavator, trucks and light vehicles via Charlotte Way, from where the demolished infrastructure will be removed via truck. The Applicant advises that the foundation for the bottom station and operator hut are to be left in situ unless they interfere with the new footings for the chairlift.
- The Department notes that the Poma haul rope that was proposed to be removed as part of this project (which remained in situ until the second half of 2023), has since been removed. The Applicant advises that the rope was damaged and was taken down while there was snow on the ground, and that no haul rope components will be left onsite.

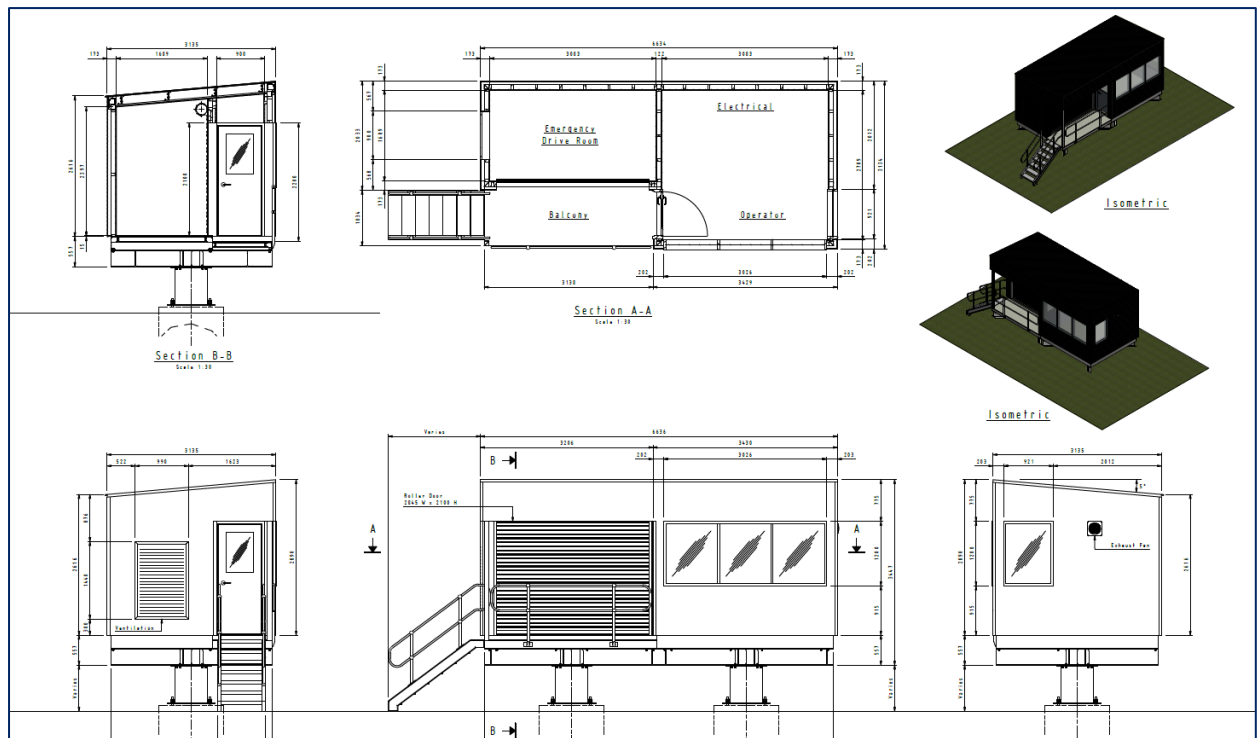
## 2.3 Construction of the Double Chairlift

The installation of the double chair lift proposes the following works:

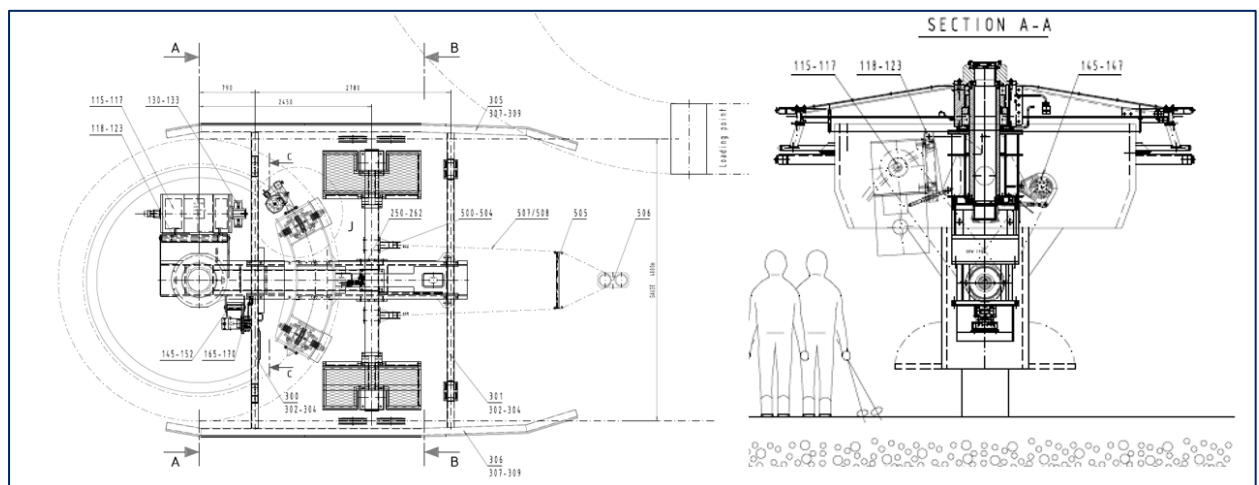
- The installation of seven (7) new monopole towers (including new footings). Tower tube diameters range from 0.6 to 0.7 metres and height ranging from 7.45 metres to 10.79 metres. An overhead cable lifting frame assembly including a yoke 4.8 metre wide will be positioned at the top of each tower. The towers will be founded on a pad footing of approximately 3.00 metres wide by 3.3 metres long, with a minimum footing depth of 600mm. The tower footings are also proposed to be embedded with bored piers socketing deeper into the ground and bedrock (approximately 1.0 metre).

- Installation of a new bottom station adjoining the location of the current poma bottom station adjacent to Charlotte Way. Works in this locality comprise construction of a bull wheel and Tower 1 of the new chairlift, and a separate operator hut (approximately 6.6 metres by 3.1 metres). The operator building will house spaces for the operator and electrical equipment, and an emergency drive room with a back-up diesel generator. It will be built up off the ground and accessed via a stair case and covered external balcony. The Colorbond building exterior, roller door to the emergency drive room and roof will be finished in the dark charcoal grey colour 'Monument', with areas of glazing on the western and northern elevations facing the patron loading area (**Figure 8** and **Figure 9**).
- Installation of a new top station in the same general location as the existing poma top station, comprising a bull wheel, earth mounds and rock retaining walls, and an elevated operator hut building (approximately 3.4 metres by 3.1 metres) with a staircase to a small exterior covered entry. The top station hut will be constructed of Colorbond roofing material and wall cladding in the same Monument colour, with glazing on three frontages (**Figure 10**).
- The proposed new double chairlift will be within the same general alignment as the existing highspeed poma, with the new top and bottom stations to be located adjoining the current infrastructure. As the new chairlift will follow the alignment of the existing surface lift, no trees will need to be removed along the existing poma corridor for the replacement lift.
- Access for the construction of the Chairlift bottom station, operator hut, and Tower 1 at the base of the new lift will be via Charlotte Way using a combination of excavator, truck, concrete mixer, crane and light vehicle movements.
- The next two towers to be constructed moving north from the bottom of the lift (Towers 2 and 3) are proposed to have footings dug by the excavator accessing the sites from Kosciuszko Road and moving downslope (south) along the alignment of the chairlift, before returning to the road.
- Access for an excavator to Towers 4 to 7 is proposed via the upgraded access track, commencing at Tower 7 near the Top Station and then completing each tower and moving down the lift line to Tower 4 (immediately to the north of Kosciuszko Road). Excess excavated material from Towers 6 and 7 is proposed to be relocated by the excavator back up the lift line to the top station for use in the unloading ramp, whereas any excess spoil from the excavation of the footings from Towers 2 to 5 will be flown via helicopter to the top station for use in the unloading ramp.
- Use of a helicopter is proposed to fly reinforcing material, formwork and the steel to the lift top station area and to Tower sites 2 to 7. The pouring of concrete for the foundations for the top station and towers, and the foundations of Towers 2, 3, 5, 6 and 7 is also proposed to be undertaken by helicopter. Concrete for Tower 1 is indicated via truck and for Tower 4 is proposed to be delivered via boom pump from Kosciuszko Road.

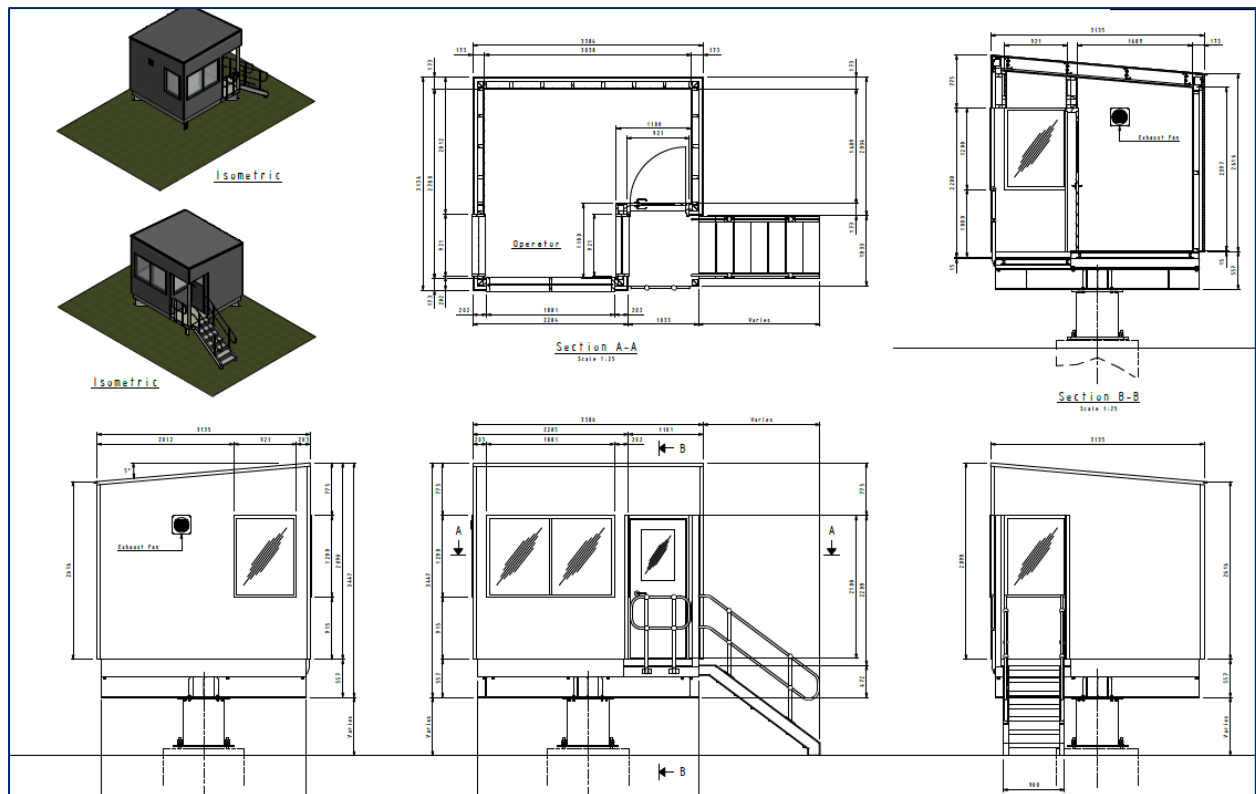




**Figure 8 | Bottom Station Operators Hut (Source: Applicant's documentation)**



**Figure 9 | Bottom Station bull wheel (Source: Applicant's documentation)**



**Figure 10 | Top Station Operators Hut (Source: Applicant's documentation)**

## 2.4 Vegetation removal

The Applicant proposes to remove or modify approximately 3,600 square metres of native vegetation within the following Plant Community Types (PCTs):

- PCT 637 Alpine and sub-alpine peatlands, damp herbfields and fens, South Eastern Highlands Bioregion and Australian Alps Bioregion.
- PCT 641 Alpine grassland/ herbfield and open heathlands in Kosciuszko National Park, Australian Alps Bioregion.
- PCT 643 Alpine shrubland on scree, block streams and rocky sites of high-altitude areas of Kosciuszko National Park, Australian Alps Bioregion.
- PCT 645 Alpine Snow Gum shrubby open woodland at high altitudes in Kosciuszko NP, Australian Alps Bioregion.

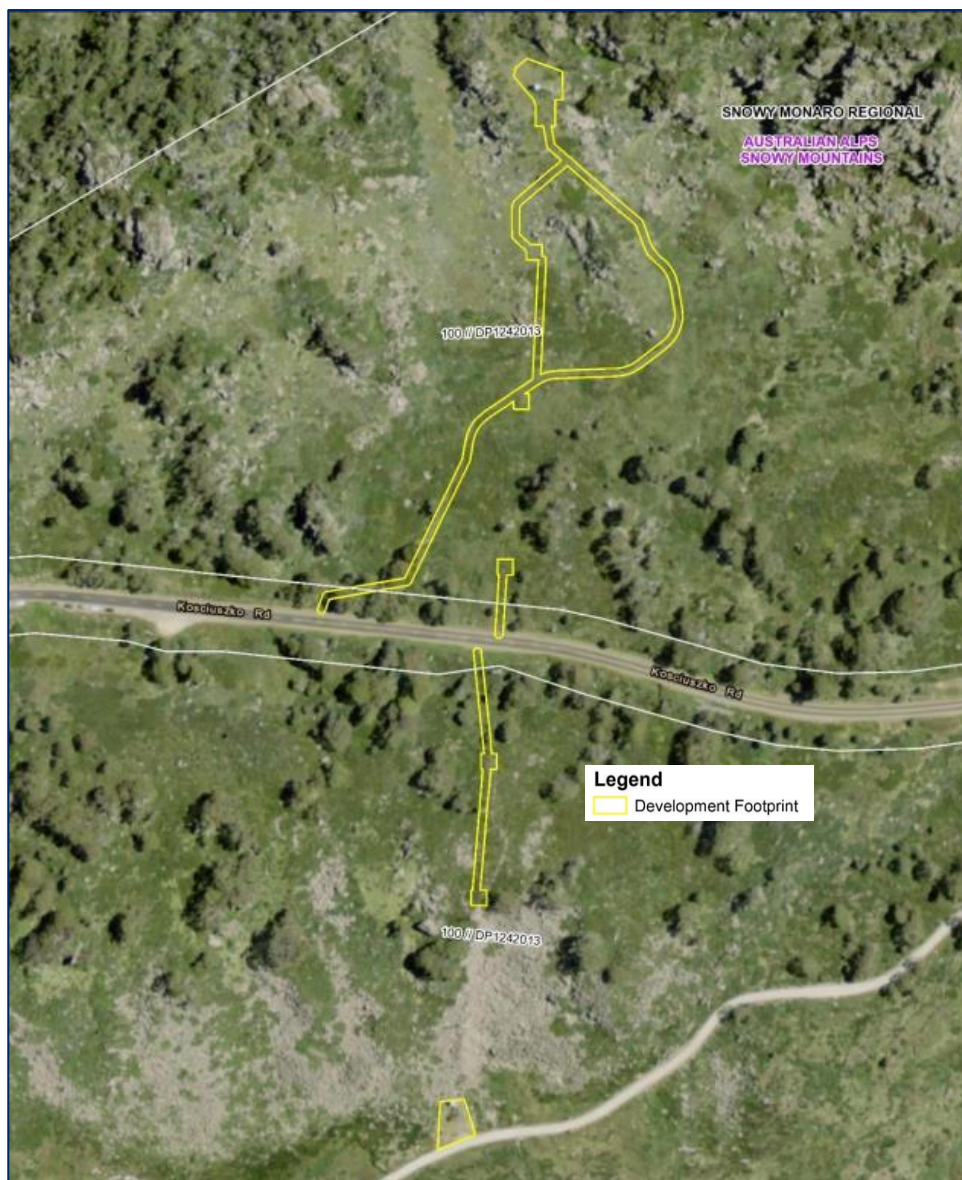
An access vegetation disturbance footprint of four (4) metres-wide along the full length of the access track is proposed to accommodate the excavator, as well as additional areas of vegetation disturbance in locations where the excavator will travel to the proposed tower sites either from the access track or from Kosciuszko Road. There are some discrepancies in the information provided relating to the location of the intended travel routes for plant working on the project, as discussed further in subsequent sections of this report.

Clearing will include the areas along the existing informal access track, commencing at Kosciuszko Road and travelling upslope to the existing/proposed top station location. The removal of predominately native vegetation will be required to facilitate the four (4) metre wide corridor intended for construction and ongoing vehicle access. Temporary access tracks will also be created from the upgraded track to the proposed



tower sites, and south from Kosciuszko Road along the lift alignment to towers proposed between the road and the bottom station.

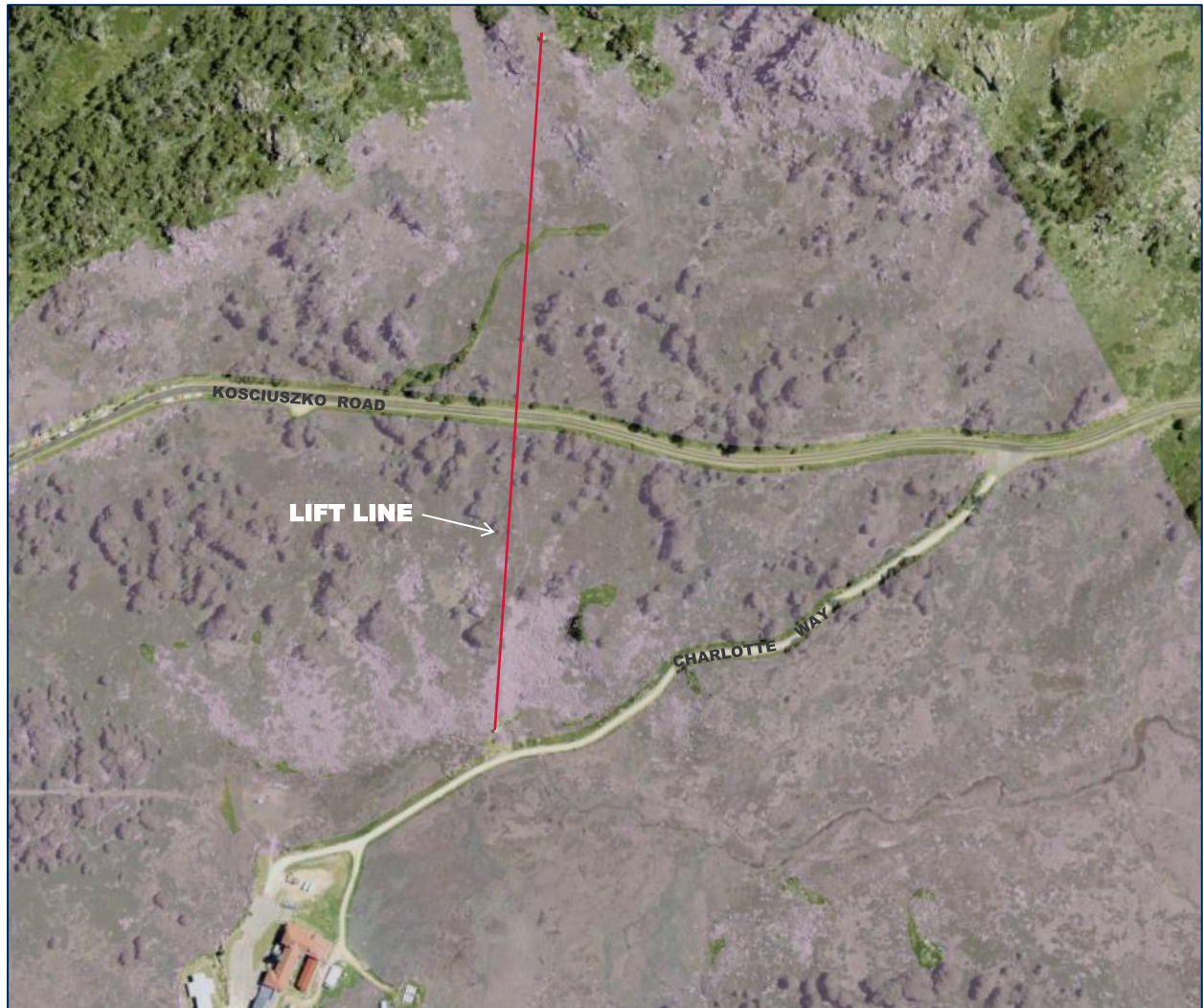
The disturbance footprint also includes clearing for the top and bottom chairlift stations and for each new tower. The disturbance footprint around the base of each tower will be approximately 8.0 metres by 8.0 metres. The Applicant indicates that a larger disturbance footprint to accommodate excavation and laydown areas is required for the bottom and top stations, and while the areas are already modified in association with the existing lift, the removal or further modification of the native vegetation in these areas is required for the new, larger stations. A total of 3,600 square metres of native vegetation is anticipated to be impacted for the top station, tower footings, and construction access. Approximately 300 square metres of exotic grassland will also be disturbed in association with construction of the bottom station. The development footprint is depicted in **Figure 11**.



**Figure 11 | Development footprint (Source: Applicant's documentation with annotation)**

Given of the majority of the site and disturbance footprint is mapped on the Biodiversity Values Map (**Figure 12**), the clearing and vegetation modification within the development site impacts native vegetation. Accordingly, a Biodiversity Development Assessment Report (BDAR) was required pursuant to the *Biodiversity Conservation Act 2016* (BC Act). 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.



**Figure 12 | Biodiversity Values Map – purple shaded area** (Source: NSW Planning Portal spatial data with annotations)

## 2.5 Related development

### Service infrastructure and drainage works

The proposal requires trenching and earthworks to occur for the installation of electricity services, stormwater infrastructure comprising:

- Electricity infrastructure: the bottom station gains electricity supply from an existing connection within the site. Installation of power and service cables between the infrastructure at the bottom station will require localised trenching within the site.
- An aboveground cable is proposed between lift towers for the communications and safety lines.
- Drainage infrastructure: Installation of drainage work around the top and bottom station structures and retaining walls will be required. Drainage works at the track entry within the road reserve will be required, and drainage works to accompany the track grading, filling and widening is also anticipated. However, detail in relation to the drainage strategy for the site is limited.



- **Materials staging area:** The staging area is located north of the Kosciuszko Chalet Hotel on Lot 116 DP 1242013 in Charlotte Pass village. During the project it is proposed to store excavated topsoil and spoil on the northern part of the parcel, as well as demolition waste (including the poma towers), and building materials during the construction phase of the works. It is also the designated parking area for project vehicles and machinery, and the helicopter landing area (**Figure 13**).



**Figure 13 |** Northern extent of the material staging area (left) and site context with helicopter working area (right) (Source: Applicant's documentation - annotated)

## 2.6 Justification for the proposal

The Applicant advises that the purpose of the development is to update the sixty (60) year old poma infrastructure and provide an enhanced visitor experience through the addition of the proposed new lift. The Department is advised that the proposed lifting infrastructure will be more suitable for beginner and intermediate skiers, opening the resort to all levels of skiers and snowboarders.

The new chairlift aims to improve the lifting efficiency for the Resort with the capability of lifting two persons per chair (up to 154 kilograms total chair weight), with potential to transport a total of 952 people per hour. The Applicant indicates that the development will improve the amenity, efficiency and long-term resilience of the Charlotte Pass Snow Resort (CPSR).

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>

### 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 three main documents that support the strategic context of the alpine resorts are the *South East and Tableland Regional Plan 2036*, the Snowy Mountains Special Activation Precinct Master Plan and the Precincts - Regional SEPP. The *Draft South East and Tablelands Regional Plan 2041* has also been considered.

#### **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 a new ski lift facility and improve patron experience, which leads to additional visitation to the NSW ski resorts. The change from a surface poma lift to an above ground chairlift will have less impact on the environment as the new lift raises the guests up above the sensitive mountain pygmy possum habitat of the boulder field. With the operation of the chairlift being less dependent on snow coverage along the lift line, the chairlift will also reduce the need for snow grooming in this area. The proposal has also minimised its impact on the unique environment through predominantly locating the works on previously disturbed areas and avoiding identified fauna locations where possible.

#### **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 9.1.3 of the Master Plan relates to Charlotte Pass.

The Department considers the proposal to be consistent with the Master Plan by updating supporting snow field infrastructure and thereby avoiding a depletion in the on-mountain patron experience. This improvement to visitor amenity attracts tourism to the ski resorts whilst maintaining the environmental, cultural and landscape attributes of the Charlotte Pass Alpine Resort to a satisfactory extent.

#### **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 proposal supports sustainable tourism in the Alpine Region by enhancing the ongoing range of lifting facilities available in KNP. 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.

### **Draft South East and Tablelands Regional Plan 2041**

The draft plan was publicly exhibited from 8 August 2022 until 23 September 2022. The draft plan underwent extensive consultation with the community and stakeholders with feedback incorporated into an updated version of the draft plan that was re-exhibited from 9 December 2022 to 31 January 2023. The draft plan identifies the alpine areas as provides important biodiversity to the region and acknowledges the alpine area's contribution to the region's tourism economy.

The proposal is consistent with the draft Regional Plan as it relates to investment in the Alpine resorts, helping maintain and enhance the region as a compelling alpine tourism destination. The development will be subject to conditions of consent to ensure it will not result in unavoidable adverse biodiversity impacts in order to support visitation to the Charlotte Pass Alpine Resort, along with the local and regional economy.



## 4 Statutory context

### 4.1 Consent Authority

Under section 4.4 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 section 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 Director Regional Assessments may determine the application as:

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

### 4.2 Permissibility

The proposal includes the installation of new chair lift infrastructure and ancillary works, consistent with the definition of 'lifting facility' and associated works, as well as new 'ski slope huts' as defined in Chapter 4 of the Precincts - Regional SEPP. Pursuant to section 4.9 of the Precincts - Regional SEPP, the proposed infrastructure is permissible with consent within the Charlotte Pass 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 have a significant impact on a Matter of National Environmental Significance (MNES).

The proposed works include the clearing of native vegetation and disturbance of habitat where the works are within an area where listed threatened species and communities that are protected under the EPBC Act may be impacted. The application was accompanied by a Biodiversity Development Assessment Report (BDAR), which recognises that the following species and vegetation communities are known to occur within the development footprint and immediate surrounds:

- Guthega Skink
- Alpine She-oak Skink
- Broad-toothed Rat
- Anemone Buttercup
- Alpine Sphagnum Bogs and Associated Fens EEC

The Applicant's ecologist has commented in the BDAR that the development is unlikely to have a significant impact on MNES following consideration of the administrative guidelines for determining significance under

the EPBC Act. The BDAR concludes that the proposal is unlikely to have a significant impact on MNES or Commonwealth land, and that referral to the Commonwealth Environment Minister was therefore not necessary.

The NPWS have reviewed the proposal and the BDAR and have expressed concern regarding the adequacy of the process followed in relation to the BDAR and environmental assessment for the project. The NPWS consider the assessment to be incomplete and note the documents detailing the environmental impacts associated with the proposed development lack consistency. Given the limited detail about some aspects of the project provided to date, the application of extensive conditioning has been recommended by the NPWS to ensure strict limitations as to the location and nature of works to ensure the environmental values and biodiversity off the development site is properly assessed and protected.

Subject to the conditions recommended by the NPWS being applied and diligently followed, the development is not expected to result in any adverse impacts on threatened species, populations or ecological communities. Therefore, the development is considered unlikely to have a significant impact on biodiversity pursuant to the NSW *Biodiversity Conservation Regulation 2016*, and will not require Commonwealth assessment under the EPBC Act. The Department also recognises that it is the responsibility of the Applicant to ensure they comply with the EPBC Act and appropriately consider MNES and controlled action obligations with the Commonwealth.

### **Water Management Act 2000**

The proposed development is classified as nominated integrated development under section 4.46 of the EP&A Act as approval under the *Water Management Act 2000* is required.

The application was referred to the (the former) DPE - Water, now the Water Division with the NSW Department of Climate Change, Energy, the Environment and Water (DECCEW Water) as works occur within forty (40) metres of a watercourse (Spencers Creek and its tributaries). The DECCEW 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*.

### **Roads Act 1993**

The proposed chair lift goes over the top of a public road and works are proposed in the Kosciuszko Road corridor (Lot 101 DP 1067727), where Transport for NSW (TfNSW) is declared under the *Roads Regulation 2008* as the roads authority for Kosciuszko Road within KNP. The application was referred to TfNSW for assessment. The proposed development is classified as integrated development under section 4.46 of the EP&A Act as approval under section 138 of the *Roads Act 1993* is required.

TfNSW has issued General Terms of Approval.

Prior to the commencement of work, the Applicant will need to obtain a permit from TfNSW, pursuant to the GTAs, including the provision of a Road Occupancy Licence.

### **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 affect threatened species or ecological communities, or their habitats; or
- the works are carried out in a declared area of outstanding biodiversity value.

Clearing of native vegetation is proposed to occur within vegetation identified on the BVM, and as indicated previously in Section 2.4 and above in Section 4.3 of this report, a BDAR was required. There are some discrepancies between the BDAR and the project information relating to matters that may impact vegetation and habitat disturbance, including (but not limited to) the extent of works in the road reserve and location of the intended travel routes for plant working on the project. This is combined with the limited detail in relation to aspects of the project, which has not allowed full consideration of the extent, location and nature of clearing and/ or vegetation modification required.

Comments received from the NPWS during the assessment of the application raise concern in relation to the clarity and extent of biodiversity impacts and potential loss associated with the development. Based on the information outlined in the BDAR, the Applicant's ecologist indicated that residual unavoidable impacts of the proposed development were calculated to require a total of six (6) ecosystem credits and 108 species credits to offset the unavoidable impacts to the vegetation and habitats present within the development footprint.

The Department will condition the works to ensure any discrepancy as to the approved location and nature of works is removed and confine the permitted span of site activities to those already covered in the BDAR. Accordingly, subject to the recommended conditions ensuring activities are carried out in a way with careful regard to vegetation and habitat protection and preventing disturbance outside the approved development footprint, the proposal is unlikely to have a significant effect on threatened species or ecological communities, or their habitats.

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

### **Work Health and Safety Act 2011**

The lifting infrastructure is required to be registered with SafeWork NSW prior to the commencement of use in accordance with the *Work Health and Safety Regulation 2017* and *Work Health and Safety Amendment Regulation 2022*. Plant design registration is required prior to commencing use of the double chair lift.

## **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 **Table 1**, following:



**Table 1 | 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,	The proposal supports the ongoing use of the Charlotte Pass tourist accommodation and facilities through the provision of improved lifting facilities within the resort for visitors. Removal of the aging poma lift and provision of the new double chair will enhance visitor experience. Impacts on the environment will be minimised through the new lift utilising the alignment of the existing over-snow Poma lift line. The proposal is considered to have positive economic and social impacts.
(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 demolition and construction works have been included in the recommended conditions of consent to avoid adverse impacts on the natural environment. The proposal is capable of being carried out without having an unacceptable impact on the environment, thus being compatible with the principles of ecologically sustainable development. The socioeconomic outcomes of the works are generally expected to be positive.
(c) to promote the orderly and economic use and development of land,	The development seeks approval for works that will contribute to greater visitor amenity for patrons of the resort. This enhances the alpine resort experience and supports visitation for winter snow sports and tourism, thereby promoting the ongoing economic use of the land.
(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,	Adverse impacts on biodiversity, threatened species and habitats are to be limited to those for which offsets have been calculated in accordance with application of the BC Act. Other sensitive areas and impacts on the environment are to be avoided in accordance with conditions applied to the development.
(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),	The existing Guthries High Speed Poma ski lift at Charlotte Pass has been identified as having heritage potential and being of cultural significance. Heritage assessment of the Poma was required, as discussed in <b>Section 6</b> .

(g) to promote good design and amenity of the built environment,	The Department considers that the lifting infrastructure works will be suitable in the alpine resort context and will not detract from the visual amenity of the locality. The top and bottom station buildings are small in scale and will be finished in neutral (dark grey) colours compatible with the surrounding environment. The lifting infrastructure is considered appropriate in the setting and will be subject to conditions such as relating to finishes and signage to prevent visual intrusion in the landscape.
(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 provide for the health and safety of occupants of the buildings and users of the lifting infrastructure.
(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,	The Department consulted with relevant government agencies and considered their responses (refer to <b>Section 4</b> and <b>Section 5</b> ).
(j) to provide increased opportunity for community participation in environmental planning and assessment.	The proposal was made publicly available in accordance with the Department's Community Participation Plan (refer to <b>Section 5</b> ).

### 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(1), in relation to which **Table 2** below presents a summary of the matters for consideration outlined and discussed further in this report.

**Table 2 | 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&amp;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> <p>The proposal is considered to have positive economic and social impacts by upgrading a lifting facility, ski slope huts and associated infrastructure, which will help support the ongoing operation and visitation of the Charlotte Pass Alpine Resort.</p> <p>The Department considers the likely economic and social impacts of the development to be positive and that the cultural values of the site and locality will be maintained. While damage to the natural environment will occur at the site where it has been deemed unavoidable to deliver the project, the extent of that loss has been minimised and will be offset through the appropriate biodiversity regulatory mechanism.</p>
(c) the suitability of the site for the development,	The site is suitable for the development and relates to the existing use of the land for lifting facilities and supporting infrastructure, supporting winter tourism activities in the alpine resorts.
(d) any submissions made in accordance with this Act or the regulations,	Consideration has been given to agency submissions received from the NPWS, DPE Water and TfNSW during the assessment of the application. See <b>Section 5</b> and <b>Section 6</b> of this report.



(e) the public interest.

The works are consistent with the aim and objectives of Chapter 4 of the Precincts - Regional SEPP. The development seeks to improve visitor ski lift facilities to support sustainable tourism, which underpins the viability of the Alpine Resorts. The works will be undertaken in a way to avoid adverse impacts on the environment. As such, 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.

Potential for matters arising from land contamination have been considered in relation to the suitability of the land for the intended purpose and to mitigate any unacceptable risks to human health or the environment. There are no known records of contamination within the site relevant to the proposal, and the ongoing use of the site for lifting infrastructure to support the use as a ski field is considered appropriate. Matters pursuant to *State Environmental Planning Policy (Resilience and Hazards) 2021* have been adequately considered. Additionally, where the proposed development includes the storage or use of potentially contaminating liquids (including fuels), conditioning is proposed to ensure all relevant standards and management practices are followed.

The Department notes that should any new transformers or similar electrical network upgrades need to be undertaken to facilitate the proposal, this requires separate approval under the *State Environmental Planning Policy (Transport and Infrastructure) 2021* following further discussions between the Service Provider and the NPWS.

Consideration of the relevant SEPP provisions to the proposal relating to Chapter 4 of the Precincts - Regional SEPP is provided in **Table 3**.

**Table 3 | Chapter 4 considerations**

### Chapter 4 - Precincts - Regional SEPP - Kosciuszko Alpine Region

#### Section 4.10 Demolition

The demolition of a building or work on land in the Alpine Region

The demolition of the Poma infrastructure including the towers and the ancillary operators buildings is proposed, all except the existing footings (other than Poma Tower 8 footing and possibly existing adjoining top station footings). Works are proposed to be carried out in a way to minimise damage to the environment, where the demolition process will be guided by approved documentation and conditions of consent to protect human health and safety and minimise impacts to ensure the environment.

#### 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 the proposal has been developed so as to deliver improved alpine resort infrastructure while minimising adverse impacts on the environment. This supports the ongoing operation of the Charlotte Pass Alpine Resort and is consistent with the principles of ESD. Where the development is carried out in accordance with the recommended conditions, the new chairlift is expected to generate positive social, economic and environmental impacts.
(b) the conservation of the natural environment and any measures to mitigate environmental hazards (including geotechnical hazards, bush fires and flooding),	The proposed works have generally been designed to (or is otherwise conditioned to) avoid and mitigate impacts on the natural environment. The land is not identified as being subject to flooding. The site is bushfire prone and materials used in construction appear to be resilient to bushfire. The development is identified as being in an area of geotechnical sensitivity, and certification provided in accordance with the Department's Geotechnical Policy indicates the development presents minimal or no geotechnical impact on the site or related land – as discussed further in subsection (f) of this Table. There are no other known environmental hazards relevant to the proposal. Natural hazards have been adequately addressed.
(c) the cumulative impacts of development on existing transport, effluent management systems, waste disposal facilities or transfer facilities, and existing water supply,	No adverse cumulative impacts are anticipated as the proposal relates to the removal and replacement of ski slope lifting infrastructure that 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 supplementary information supplied are considered adequate to enable proper assessment of the works.
(e) the character of the alpine resort,	Improving recreational infrastructure and sustaining the viability of the ski runs through enhancing the lifting infrastructure is consistent with the current and desired character of the Charlotte Pass Alpine Resort. The proposed development will not significantly alter the character of the resort.

(f) the Geotechnical Policy –  
Kosciuszko Alpine Resorts,

The site is within the G zone identified on the Department's Geotechnical Policy – Kosciuszko Alpine Resorts Charlotte Pass Map.

The proposal is supported by appropriate geotechnical investigation documentation where a Geotechnical Engineer has reviewed the proposed works and undertaken a slope instability risk assessment. The documentation concluded that the site is geotechnically suitable for the development and the risk to life and property was assessed as low. Minimal Impact Certification (a Form 4) was provided, determining that the works are of such a minor nature that the requirement for geotechnical advice in the form of a geotechnical report is considered unnecessary for the adequate and safe design of the structural elements incorporated into the new works. Geotechnical recommendations have been provided in relation to matters including excavation conditions and use of excavated materials, footing adequacy, batter slope stability and drainage.

The Department is satisfied that no further geotechnical investigation is considered necessary prior to determination. However, the report recommends that footing excavations and batters should be inspected and approved by an experienced geotechnical engineer at prescribed times during the excavation or construction to confirm the assessed design values and stability. Conditions of consent require further geotechnical input and certification by a suitably qualified person.

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(g) any sedimentation and erosion  
control measures,

Appropriate sedimentation and erosion control measures will be required to be established prior to earthworks commencing.

Sedimentation and erosion control conditions are recommended, including the preparation and adoption of an amended Site Environmental Management Plan (SEMP) measures prior to the commencement of works.

The works will also be subject to a Controlled Activity Approval (CAA) through the NSW DCCEE Water.

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(h) any stormwater drainage works  
proposed,

The Department has considered the impact of the development on stormwater drainage patterns, including where earthworks and changes to the existing stormwater infrastructure may cause disruption to, or adverse impact on, drainage patterns or soil stability in the locality of the development. Further detailed documentation as to the site drainage strategy will also be required in the conditions of



consent for the consideration and approval of the Department and relevant referral agencies prior to the commencement of works. Works will need to be undertaken to avoid impacts on the environment or loss of amenity to Park users. Appropriate site management measures are required to be in place in accordance with the conditions of consent, the NPWS Guidelines and the requirements of NSW DCCEE Water, including the provisions of the CAA required to protect waterfront land and waterways.

(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 and the proposed infrastructure is not considered to be unduly visually intrusive in the landscape.
(j) any significant increase in activities, outside of the ski season,	The proposal is intended to support winter snow-based activities and will not increase activities outside the ski season.
(k) if the development involves the installation of ski lifting facilities,	The proposal involves the installation of a new lifting facility. The capacity of the existing over-snow Guthries High Speed Poma lift infrastructure is constrained due to the need for sufficient snow along the length of the lift alignment upon which patrons are pulled along. The new chairlift can safely convey more people in more variable conditions. The proposed replacement of the existing poma lift with the double (aerial) chairlift, will not adversely impact access to, from or in the Charlotte Pass Alpine Resort or Park visitors in the surrounding locality, other than for brief periods during construction.
(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,	Not applicable to the development.
(m) if the development is proposed to be carried out on land in a riparian corridor.	The proposal includes works within forty (40) metres of Spencers Creek. The construction activities associated with the development are subject to conditions of consent, including further review by DCCEE Water to ensure activities are managed so as not to cause an adverse

impact on land or runoff that would diminish from the quality of a riparian corridor.

#### **Section 4.13 Additional matters to be considered for buildings**

Building height	The height of the top and bottom station buildings are low in profile, and the dark grey building materials proposed assist in helping the buildings regress in the landscape. The buildings are not located in close proximity of visitor accommodation within Charlotte Pass, and they will not impact on the privacy of occupiers and users of other land or limit solar access to the public domain. The height will not significantly impact views from other land in the locality.
Building setback	The proposed buildings largely retain the same footprint as the existing poma lift infrastructure that is being removed. The location of the bottom station allows appropriate clearance from road infrastructure (Charlotte Way), and both top and bottom stations have adequate clearance for access and maintenance purposes, and are considered unlikely to adversely impact public amenity.
Landscaped area	The limited mass and bulk of the chairlift buildings together with their aforementioned limited height and subdued colour palette helps protect the visual amenity of the environment. Areas surrounding the buildings that may be subject to disturbance during works will be required to be rehabilitated in accordance with the prescribed NPWS guidelines and accompanying conditions of consent.

#### **Section 4.15 (1) Applications referred to the National Parks and Wildlife Service**

The proposal was referred to the NPWS pursuant to section 4.15 Precincts - Regional SEPP and comments were received. Refer to consideration of the NPWS referral comments in **Section 5** of this report and discussion of the referral comments in **Section 6**.

#### **Section 4.18 Development on Kosciuszko Road and Alpine Way**

Works are proposed to occur within the road reserve of Kosciuszko Road as part of the project, and have been referred to TfNSW as the roads authority, as discussed in **Section 6**.

#### **Section 4.20 Development in the vicinity of Kangaroo Ridgeline**

The proposed works are not within the area identified as being in Kangaroo Ridgeline on the relevant SEPP map for Charlotte Pass Alpine Resort.

#### Section 4.21 Classified roads

Kosciuszko Road is a classified road in relation to which TfNSW have reviewed the design of the chairlift over the road and the suitability of the vehicular access and drainage works in the road reserve.

#### Section 4.22 Flood prone land

The site is not located in a flood planning area and is not identified as flood prone land.

#### Section 4.24 Heritage conservation

European heritage	The existing poma infrastructure is over sixty (60) years old, and is recognised as having significance as historical lifting infrastructure. However, the poma needs to be upgraded, and retention of the structure in its existing setting is not viable. The Department supports the removal of the poma. The proposal will not impact on any European heritage items. Refer to assessment in <b>Section 6</b> .
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Aboriginal heritage	Known areas of archaeological sensitivity are found within fifty (50) metres of the development, however no known sites are located within, or in close proximity to, the development footprint. The possibility of the works having an adverse impact on cultural heritage is considered unlikely.
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### 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 generally consistent with the ESD principles and the Department is satisfied the proposed works will be subject to conditions of consent having regard to the ESD principles, in accordance with the objects of the EP&A Act as follows:

- the works promote the orderly and economic use of the site through ensuring snow-sport lifting infrastructure is provided that helps support and improve resort tourist facilities,
- there would not be an unacceptable impact on the environment as the demolition, construction and operation phases of the project will be controlled by conditions of consent to ensure adverse impacts on the natural environment are limited and compatible with the principles of ecologically sustainable development,
- the proposal is unlikely to adversely impact upon cultural heritage, including Aboriginal cultural heritage,
- the development is capable of achieving compliance with relevant construction standards, and
- the Department provided opportunities for community participation in the assessment process, which included exhibiting the application on the NSW Planning Portal website and notifying lodges within Charlotte Pass Village.

## 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 required the development application to be exhibited for a period of twenty-eight (28) days as the proposal relates to nominated integrated development and involves the erection or extension of a new ski-lift line, for which the CPP indicates an exhibition period of twenty-eight (28) days. The Department exhibited the application between 13 October 2022 and 10 November 2022 on the NSW Planning Portal and notified lodges within Charlotte Pass Village of the proposal.

Pursuant to section 4.46 of the EP&A Act (integrated development) the application was referred to the following agencies:

- DPE Water pursuant to the *Water Management Act 2000* as the site is identified as being within forty (40) metres of a waterway and may potentially impact a wetland.
- TfNSW pursuant to the *Roads Act 1993* as works are within and over a public road for which TfNSW is the roads authority.

The application was also referred to the NPWS pursuant to section 4.15 of the Precincts - Regional SEPP as the land is within an alpine resort within KNP.

### 5.2 Summary of submissions

The Department received GTAs from DPE - Water and TfNSW, and NPWS provided referral comments. No public submissions were received during the exhibition period.

### 5.3 Key issues – Government Agencies

#### DPE Water

Referral to DPE Water was undertaken as the proposed development includes works and ongoing land use activities within waterfront land that may impact a wetland and waterway.

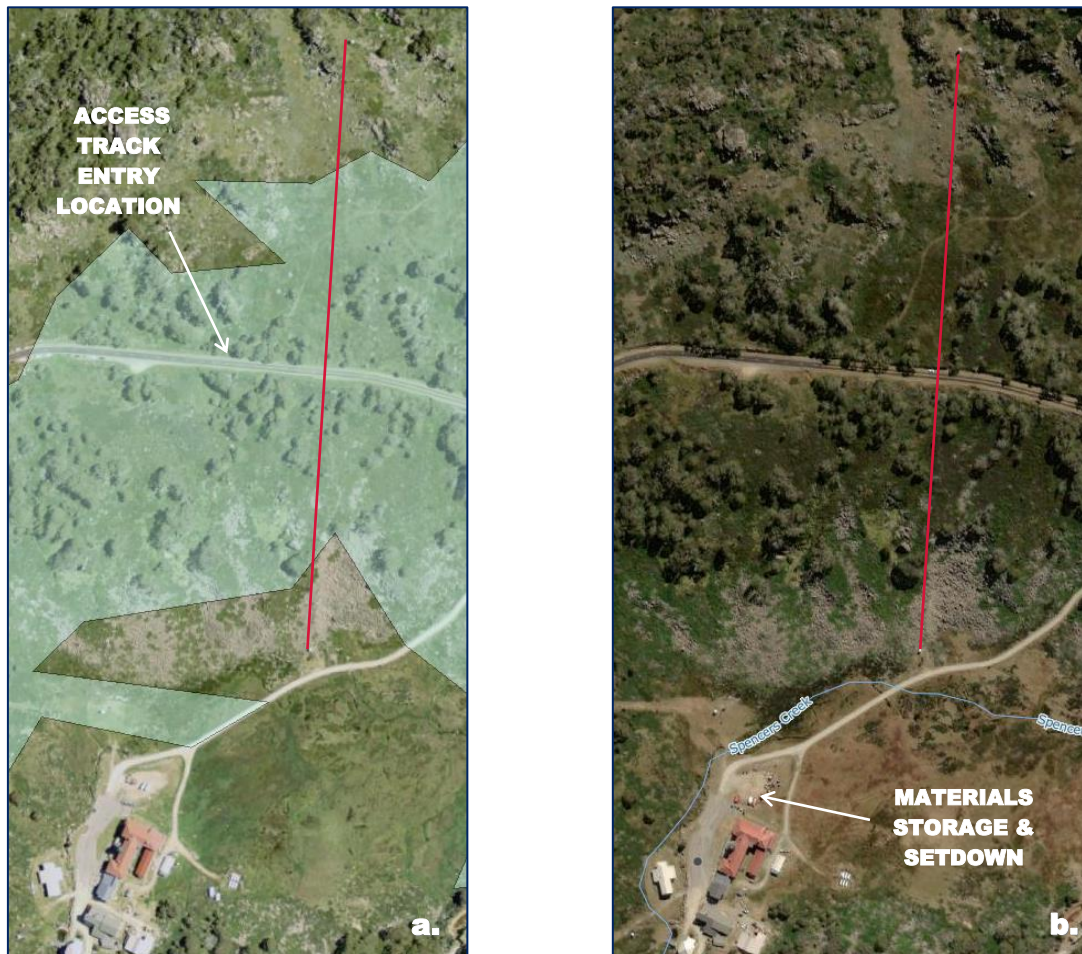
The proposed works are within an area identified as development where there are implications due to the presence of wetlands (**Figure 14a**). Works proposed within the identified area of influence include the construction of new lifting towers, the access track entry construction and drainage works within the road reserve of Kosciuszko Road, and the proposed upgrade to the access track. The works at the bottom station and storage depot/ helicopter base occur on waterfront land, being within forty (40) metres of Spencers Creek (**Figure 14b**).

DPE Water initially requested additional information relating to the proposal in order to proceed with assessment, comprising the following:

- Vegetation Management Plan
- Revised Detailed Drainage Design Plans
- Detailed Outlet Structure Plans



- Site Plans for Lot 116 DP1242013 (Demolition Material Staging Area)
- Site Plan for Bottom Station (Building footprints and location of any sediment fencing and straw bale filter installation)
- Earthworks Cut and Fill Plans



**Figure 14 | a.** Green shaded area where development may influence a wetland (left), and **b.** Waterway – Spencers Creek (Source: NSW Planning Portal spatial data - annotated)

Upon receipt and review of the required information, DPE Water raised no objection to the proposal and issued General Terms of Approval (GTAs). The GTAs required the Applicant to obtain a Controlled Activity Approval under the *Water Management Act 2000* after consent has been issued by the Department and before the commencement of any work or activity, requiring the application be accompanied by the following plans:

- Civil construction plans,
- Construction detailed earthworks plans,
- Construction drainage details/plan, and an
- Erosion and Sediment Control plan.

## TfNSW

Referral to TfNSW was undertaken for integrated approval as required from the roads authority for work in, on, or over Kosciuszko Road, which is a controlled access road. TfNSW notes that the Applicant proposes to replace the existing Guthries poma lift with a double chairlift which crosses Kosciuszko Road in an eighty kilometre per hour (80km/hr) zone, and that access to the northern side of Kosciuszko Road is currently provided via an unapproved, unsealed track, which the Applicant intends to upgrade to provide all-weather summer access to the top station. Consent is required from TfNSW for the strung line for the chairlift over the Kosciuszko Road and for the access track driveway and works in the road reserve.

TfNSW raised no objection to the proposal and issued General Terms of Approval (GTAs) which required the Applicant to obtain consent under section 138 of the *Roads Act 1993* prior to commencing works within the road reserve, including the following:

- the access track from Kosciuszko Road is to be designed and constructed as a *Rural Property Access* in accordance with the *Austroads Guide to Road Design*, where it is to be sealed and maintained for at least six (6) metres from the edge of seal of the carriageway. The seal is required to minimise loose material washed/tracked onto Kosciuszko Road.
- the current roadside drainage network and culvert is to be upgraded and maintained as per TfNSW specifications.
- all construction material shall be delivered to the site via helicopter. Loading/unloading of construction material is not permitted within the road reserve of Kosciuszko Road.
- wooden boards covering a culvert to the east of the site access are to be removed and the area around the culvert reinstated to match the surrounding landform.
- when Kosciuszko Road is open to traffic, the strung line and chairs shall maintain a minimum clearance height of 5.5m (including sag) above the road surface of Kosciuszko Road.
- a Road Occupancy Licence (ROL) from the TfNSW is to be obtained prior to commencing roadworks on Kosciuszko Road.

## NPWS

The NPWS advised of their support for the lift replacement, in principle. However, comment was provided in relation to where the application had not adequately addressed the impacts of the proposal on the environmental and social or cultural values of KNP. NPWS recommended the Department require additional details and clarification in regard to the following:

- consistency required between documentation supporting the proposal,
- detail as to excavation and trenching measures as well as the management of excavated material such as from the proposed tower footings, and treatment of subterranean boulders uncovered during excavation. It was noted that blasting in the vicinity of the boulder field habitat would not be supported,
- visual impacts from the Main Range Management Unit,
- site specific measures as to the protection of native vegetation, fauna and fauna habitats, having regard to biodiversity considerations and limitations with the BDAR. The NPWS required detail as to the

extent of habitat disturbance and/or removal of vegetation and rocks, and impacts on hydrological processes that sustain alpine bog and fen, so as to review the sufficiency of the BDAR and impacts to threatened species and threatened ecological communities,

- clarification as to the particulars of the access entry works and track upgrade, where sealing the track beyond the road corridor was not supported. NPWS also requested the documentation supporting the project be updated with the additional works prescribed in the TfNSW GTAs to enable assessment of any additional environmental impacts which may occur as a result, and
- the Aboriginal Cultural Heritage Assessment was to follow the due diligence process prescribed in the Code of Practice.

Comments were also provided in relation to matters such as stockpile, waste and weed management, and the development of rehabilitation, monitoring and maintenance documentation.

### Referral of supplementary information

Additional information relating to the proposal was provided by the Applicant during the assessment process after the GTAs were issued by DPE Water and TfNSW. Where information provided may be material to a referral agency, the integrated agencies and the NPWS were notified of the supplementary information. The agencies were also similarly kept abreast of the requirements of the other agencies.

DPE Water reviewed the additional information and confirmed their previously issued GTAs remained adequate and current.

TfNSW updated their previously issued GTAs, providing slight variations to the access design requirements and clarification as to the TfNSW process for the benefit of the Applicant.

The NPWS reaffirmed their support for the proposed lift replacement in principle. However, they confirmed their concern that while some of the additional information supplied by the Applicant was satisfactory, the environmental assessment supporting the application continued to be incomplete. Documents detailing the environmental impacts associated with the proposed development were also noted to continue to lack consistency. Accordingly, the NPWS (at the request of the Department) provided detailed comments outlining matters that required further clarification and resolution, accompanied by recommendations as to conditions to be applied to any consent to protect the environmental values of KNP.

The Department has considered the comments raised in all submissions from the agencies during the assessment of the application, and has recommended conditions of consent as discussed further in **Section 6** of this report to ensure the development is carried out in a manner to minimise impacts on environment, and ensure appropriate rehabilitation is carried out at the completion of works, consistent with the public interest.

## 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 issues in the Department's assessment relate to the following considerations:

- Impacts on biodiversity
- Proximity to waterfront land and water quality
- Construction access
- Construction and machinery
- Visual impacts
- Public amenity
- Construction standards
- Heritage
- Other issues

Each of these issues is discussed in the following sections of this report.

### 6.1 Impacts on biodiversity

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

#### Endangered Species and Communities

In support of the proposed works, the Applicant submitted a BDAR as required under the BC Act due to the development involving clearing in areas identified on the BVM (**Figure 12**) as being of high biodiversity value, which triggers the Biodiversity Offset Scheme .

The sensitive nature of the site was confirmed by the NPWS, who sought for the BDAR to include further information and reassessment in relation to the impact of the development on the following threatened species and ecological communities: Guthega skink (*Liopholis guthega*), Mountain pygmy possum (*Burramys parvus*), Anemone buttercup (*Ranunculus anemoneus*), Shining cudweed (*Argyrotegium nitidulum*), and the plant community type PCT 637 (Alpine and sub-alpine peatlands, damp herbfields and fens, South Eastern Highlands Bioregion and Australian Alps Bioregion), with NPWS comments including the following:

- The Guthega skink population/colony within the proposed lift alignment and top station area inhabit an area considered important for connectivity and maintaining the diversity and viability of animals in surrounding populations.



- The Mountain pygmy-possum population located in the boulder field area near the base of the proposed lift alignment is an important population for maintaining the diversity and viability of animals in this region.
- Further actions can be included to protect the Anemone buttercup.
- Shining cudweed should be assessed in the BDAR.
- The vegetation integrity of PCT 637 (Alpine and sub-alpine peatlands, damp herbfields and fens, South Eastern Highlands Bioregion and Australian Alps Bioregion) is not accurately represented in the BDAR due to the assumptions made in the benchmark integrity scores, as noted by CPSR's ecologist. As such, NPWS requested that local data be used in the assessment of impacts to this PCT under section 1.4 of the BAM and appropriate ecosystem credits generated using amended reference data in the BAM-C.

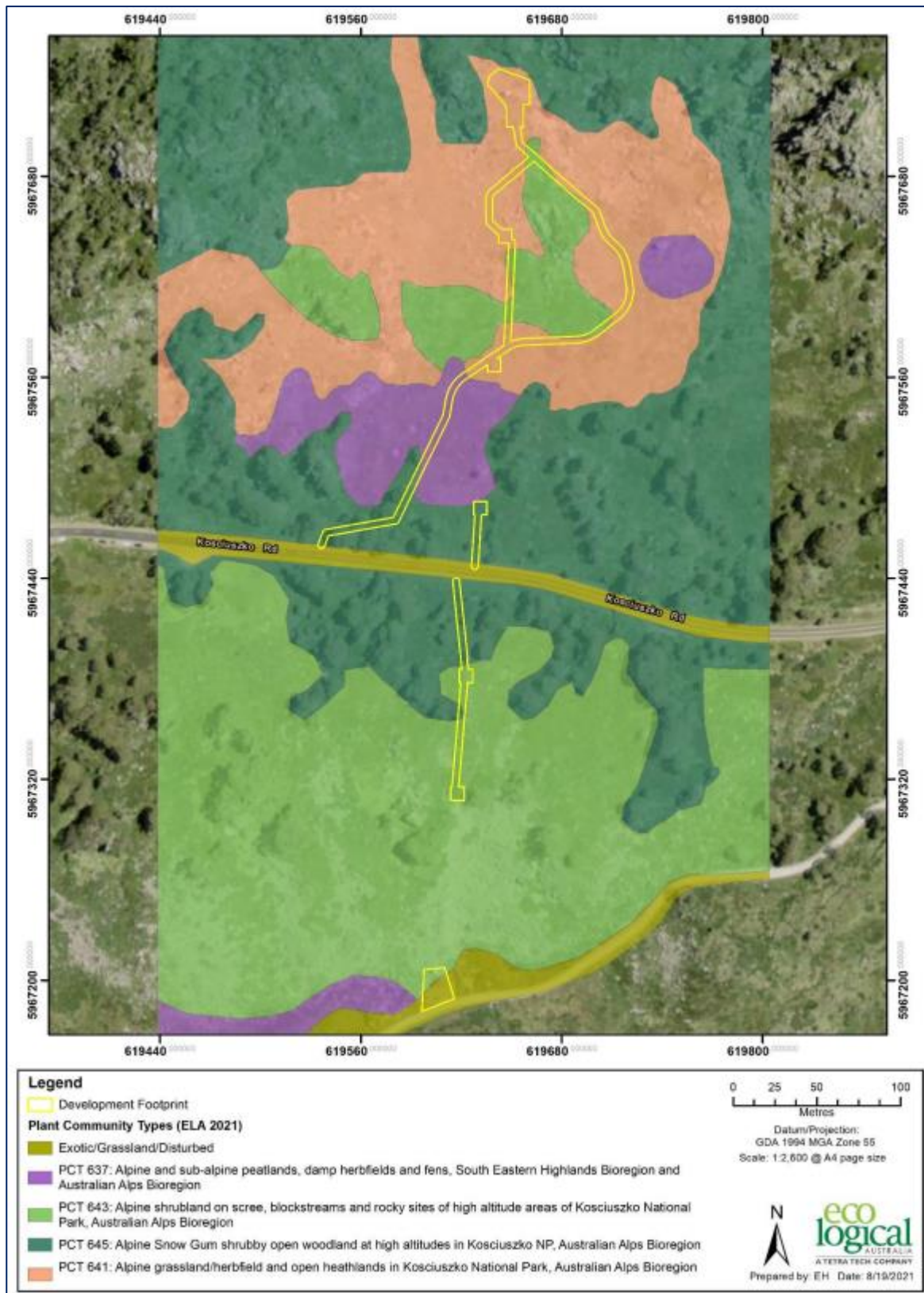
The BDAR identified that the proposed development site is approximately 0.39 hectares in size, of which it is anticipated that the proposal will involve the clearing or modification of 0.36 ha of vegetation. The location of the proposed ski lift infrastructure is advised to have been situated to take advantage of existing disturbed areas and to minimize the required clearing where possible.

The BDAR identified that proposed development site supports four (4) plant community types (PCTs), comprising:

- PCT 641 Alpine grassland/herbfield and open heathlands in Kosciuszko National Park, Australian Alps Bioregion
- PCT 643 Alpine shrubland on scree, blockstreams and rocky sites of high altitude areas of Kosciuszko National Park, Australian Alps Bioregion
- PCT 637 Alpine and sub-alpine peatlands, damp herbfields and fens, South Eastern Highlands Bioregion and Australian Alps Bioregion
- PCT 645 Alpine Snow Gum shrubby open woodland at high altitudes in Kosciuszko NP, Australian Alps Bioregion

The location of the plant community types relative to the development footprint is detailed in **Figure 15**, as well as an area identified as *exotic/ grassland/ disturbed* adjoining the northern side of the Charlotte Way roadway near the existing/ proposed bottom station site.

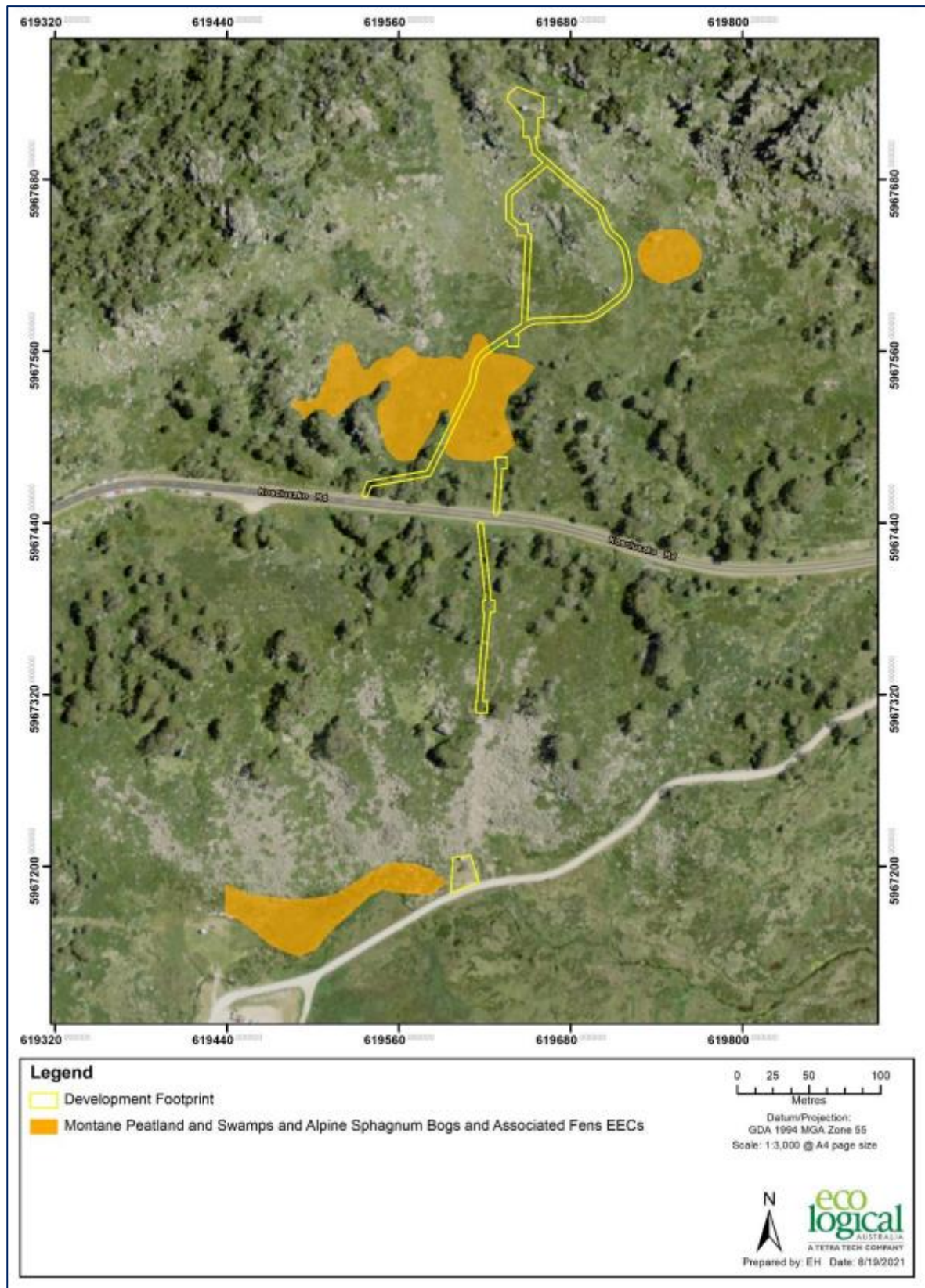
The vegetation PCTs within the development site were all assessed in the BDAR as being in high condition.



**Figure 15 | Plant Community Types (Source: Applicant's documentation)**

In addition, the development footprint traverses and adjoins areas identified as a Threatened Ecological Community (TEC) comprising the *Montane Peatland and Swamps of the New England Tableland, NSW North Coast, Sydney Basin, South East Corner, South Eastern Highlands and Australian Alps bioregions endangered ecological community (EEC)* (hereafter referred to as the Montane Peatland and Swamps). PCT 637 Alpine Sphagnum Bogs and Associated Fens are considered to comprise this EEC (**Figure 16**).





**Figure 16 | Threatened Ecological Community (Source: Applicant's documentation)**

Three (3) threatened fauna credit species were included in the BDAR assessment as the proposed development will impact on known habitat for the Broad-toothed Rat, Guthega Skink, and Anemone Buttercup.

As a result of the proposed works, the BDAR determined that six (6) ecosystem credits are required for PCT 641 Alpine Herbfields, and 108 species credits are required, comprising five (5) for the Broad-toothed Rat, three (3) for the Guthega Skink, and one-hundred (100) for the Anemone Buttercup, 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 the *Biodiversity Conservation Regulation 2017*.

The NPWS raised concerns over the impact of the proposal in relation to the impact of the development proposed on the Guthega skink, Mountain pygmy possum, Anemone buttercup, Shining cudweed, and the EEC associated with PCT 637 (Alpine and sub-alpine peatlands, damp herbfields and fens, South Eastern Highlands Bioregion and Australian Alps Bioregion).

Concerns were raised by the NPWS that the BDAR has not considered the following potential impacts from the proposed development:

- Direct or indirect impacts on the Guthega skink colony. Depending on the activity, including:
  - (i) any increase in skier traffic and associated new snow grooming/compaction activity; and
  - (ii) habitat fragmentation from the proposed upgraded access track.

Connectivity for the skink colony was advised to rely on suitable habitat remaining in the landscape. Avoiding active burrows alone does not protect connectivity, foraging habitat, basking sites and the ability for breeding to occur. Therefore, NPWS advised that the assessment of impacts should not be restricted to the area of direct disturbance only.

- The ongoing viability of the Mountain pygmy possum (MPP) population is similarly reliant on suitable habitat remaining in the landscape, including for foraging and connectivity. The area of plant community type (PCT) 643 above the boulder field and below Kosciuszko Road represents both suitable foraging habitat and provides connectivity to other populations. Accordingly, assessment of impacts to MPP should also consider any impacts of the development to this area, including direct, indirect and prescribed impacts.
- NPWS considered that the BDAR has not adequately applied the hierarchy of avoid, minimise, mitigate or manage required under the BAM with regard to the Anemone buttercup. Individuals of this species that cannot be avoided by the works can be translocated.
- Shining cudweed had not been assessed in the BDAR despite potential habitat for this species (PCT 641) within the proposed lift alignment and surrounding site. This species is listed as vulnerable under both State and Commonwealth legislation. Accordingly, NPWS advised that the impacts to the species needed to be assessed as part of the BDAR.
- The vegetation integrity of PCT 637 (Alpine and sub-alpine peatlands, damp herbfields and fens, South Eastern Highlands Bioregion and Australian Alps Bioregion) was not accurately represented in the BDAR due to the assumptions made in the benchmark integrity scores, as noted by the Applicant's ecologist. As such, NPWS requested that local data be used in the assessment of impacts to this PCT under section 1.4 of the BAM, and appropriate ecosystem credits generated using amended reference data in the BAM-C.



- The NPWS was of the opinion that the BDAR had not sufficiently captured the potential impacts, direct, indirect or prescribed, on threatened species and their habitats from the upgrade of the access road (including widening and treatment with gravel), nor considered all impact minimisation measures. Further consideration of indirect impacts on all threatened species and threatened species habitat was considered to be required, where impacts may include, but not be limited to, increase in skier use, increase in groomer use (subnivean space compaction), increase in weeds and/ or predators, trampling of threatened flora species. NPWS considered that the road upgrade from Kosciuszko Road to access the top station of the proposed lift alignment will impact on the habitat of both the Guthega and Alpine She-oak skinks, as well as Anemone buttercup and Shining cudweed.
- NPWS noted that the vegetation integrity score calculated for PCT 643 was not included (as it should be) in the information tabulated in the BDAR.

In response to the concerns of NPWS and the Department's request for response by the Applicant, a (partially) updated BDAR was provided during the assessment of the application from BDAR (Version 2) dated 29 August 2022, to the BDAR (Version 3) dated 2 August 2023.

Despite the updates to the revised BDAR provided for review, the NPWS advised the Department that they remained of the opinion that the Biodiversity Assessment Method, as required by the *Biodiversity Conservation Act 2016* (BC Act), had not been appropriately applied for the proposal. They again advised that the proposal and associated assessment does not adequately demonstrate the application of the BAM hierarchy of avoid; minimise; mitigate and/or manage; and, where applicable offset. NPWS considers that the environmental assessment is incomplete and the documents detailing the environmental impacts associated with the proposed development lack consistency.

Given that a number of issues and concerns remain in relation to the insufficiency of the BDAR and inadequacy of the supporting information, the NPWS advised the Department that the BDAR is incomplete if it does not consider all of the flagged items. The BDAR continues to omit the requested information that relates to the works to address the GTAs issued by TfNSW for the access entry and track upgrade works (including all 'improvement' works proposed in the area, rock, tree and tree limb removal, gravel application and changes to hydrological processes). The NPWS advised that the location of the works, impact minimisation/mitigation measures and post-construction remediation details should be assessed in the BDAR. Request was also made for the documentation supporting the application to be updated to address any additional environmental impacts which may occur as a result of the works.

The NPWS recommended that such issues should not be conditioned as post consent items and needed to be assessed (prior to approval) as a component of the development. However, should the Department not support the NPWS request for the documentation relating to the site access works and activities be updated to address the requirements of TfNSW and recommendations of the NPWS (as requested to include an updated BDAR, SEE, Site Environmental Management Plan (SEMP)/ Construction Environmental Management Plan (CEMP), and associated documents), the NPWS recommended that the Department address the identified matters of concern by applying conditions to the development, as follows:

- No works are to occur outside of the four (4) metre corridor that was assessed in the BDAR,
- No impacts, either direct or indirect, are to occur beyond what was assessed in the BDAR,
- No tree and/or tree limb removal is to occur beyond what was assessed in the BDAR,

- No rock removal is to occur for any improvement or maintenance works on the access track as rock removal is a prescribed impact under section 6.1 of the *Biodiversity Conservation Regulation 2017* and must be assessed as part of a BDAR.
- No gravel application, including the laying of geocell, or excavation can take place until detailed plans showing the location of the works, construction and drainage detail and any impact mitigation measures are provided to and approved by NPWS, with approval by the Department. These plans must be prepared by a suitably qualified civil engineer and can be provided as and when each section of the Guthries Track is identified as needing gravel application.
- There is to be no change to hydrological processes in this area. A detailed monitoring plan for the Alpine Sphagnum Bogs and Associated Fens EEC is to be prepared by a suitably qualified person in consultation with NPWS for approval by the Department prior to the commencement of works. This monitoring plan is to include the following:
  - the methodology to be used for the monitoring program;
  - monitoring is to consist of, but not limited to, a combination of photo monitoring, detailed vegetation monitoring and soil moisture observations;
  - the collection of baseline data above and below the proposed works prior to the commencement of works;
  - the monitoring program duration (five years post construction);
  - the identification of indicators that trigger intervention/remediation works; and
  - any intervention/remediation measures required by the above point.
- Only one excavator movement in and out must occur for the installation of lift Towers 2 to 7, the top station and the top operator hut. Excavator movements over native vegetation must only occur within the development footprint as shown in Figure 2 of the BDAR. This must be included in the SEMP/CEMP.
- During demolition, the removal of lift Towers 2-7, including associated components, the top operator hut and the bull wheel must only occur via helicopter.
- During lift installation, the concrete footings for Towers 2, 3, 5, 6, 7, the top station and top operators hut must be delivered via helicopter.
- To avoid impacts to the Guthega skink colony located at the current counterweight site, the following actions must be undertaken:
  - (i) The counterweight must be removed via helicopter and placed at the top station offload ramp intact. The counterweight must only be broken up once it is at the top station offload ramp.
  - (ii) There is to be no vehicle or machinery access to the counterweight site. All access must be via foot.

In addition, the NPWS recommended the preparation of a Rehabilitation and Monitoring Plan, which is to include pre and post construction monitoring of the Guthega skink and identification of exclusion zones. The NPWS also supported the inclusion of fauna crossing at locations to be determined following further discussions.

The Department supports the adoption of conditions reflecting those recommended by the NPWS, and has responded to each of the items requested by the NPWS, applying conditions that relate to the following works:

- The works that are specifically included or otherwise excluded from the development consent are detailed to ensure any works or activities that have not been outlined and assessed as part of the application and/ or are outside of the BDAR development footprint are excluded from the development, and works included in the development are carried out in the proposed locations and in accordance with the proposed or prescribed processes.
- A Surface and Ground Water Management Plan is to be prepared by the Applicant in consultation with the NPWS, to be approved by the Department, for the construction phase and also for the post-construction phase of the project. The plans are to ensure the works and activities associated with each phase of the project do not adversely impact on the natural ecological processes associated with surface water and ground water or cause adverse impacts on the environment.
- A Fauna Crossing Design must be prepared in consultation with the NPWS and constructed to facilitate the passage of the target species (Guthagea skinks and Mountain pygmy possums) while excluding predators.
- Details of the access track entry design are to be prepared in consultation with the NPWS and approved by the Department detailing the location of works and drainage considerations, demonstrating consistency with the BDAR.
- An Environmental Officer is to be appointed and responsible for ensuring compliance with conditions of consent, as well as a qualified Ecologist appointed as having responsibility for compliance with nominated conditions that require the higher requisite ecological understanding and certification.
- No-go areas are to be established and clearly marked to exclude vehicles, machinery and personnel from environmentally sensitive areas.
- The SEMP must be amended in consultation with the NPWS and subject to approval by the Department to include the necessary detail relating to the location, scope and required execution of each phase of the works, to ensure the project is undertaken in accordance with the approved documentation and the conditions of consent.
- A detailed Rehabilitation and Monitoring Plan is to be prepared in consultation with the NPWS and approved by the Department. The Plan is to include the collection of prescribed baseline data relating to the existing site, and detail the subsequent timing of actions such as the monitoring, rehabilitation and maintenance of the site and replacement of habitat to retain or enhance the natural environmental values and diversity of the locality. The preparation and execution of the Rehabilitation and Monitoring Plan, with the guidance of the NPWS, will help ensure that adverse development impacts will be appropriately avoided, or otherwise addressed or mitigated where applicable.
- A separate Guthagea Skink Monitoring Plan is to be prepared to preserve habitat and avert impacts that may otherwise contribute to the decline of the local colony.
- Rock removal and reduction as part of the project is required to be undertaken in accordance with the locations described in the BDAR, as required to be outlined in a Rock Removal and Reduction Plan. The plan, to be prepared in consultation with the NPWS for approval by the Department, is to detail the location and methodology to be used for the removal or reduction of rocks. This will help prevent any

unauthorised disruption to ecological or hydrological processes that may diminish the quality or abundance of flora and fauna habitat or of an EEC.

- Clear confirmation as to the limits of the approved construction corridor, as required to be clearly marked on site with temporary exclusion flagging, will similarly help protect sensitive environmental areas.
- Provision for the Department and the NPWS to carry out inspections of the flagged exclusion zones, and the requirement for the Proponent to incorporate any reasonable feedback from NPWS and the Department into the final top station disturbance area and Guthega Skink exclusion zone aim to mitigate impacts to sensitive vegetation or threatened species.
- The requirement to have project staff and contractors undertaking the vegetation works to be able to accurately identify the Anemone buttercup will better enable adverse impacts on this threatened species of conservation significance to be avoided, and protected from trampling by foot, equipment or the placement of construction material. Where found within the construction corridor, the species is to be transplanted, following discussions between the appointed Environmental Officer and NPWS.

## Conclusion

Considering the nature of the development relating to the removal of aging lift infrastructure and the construction of a new chairlift and associated road and track works through a highly sensitive area, some impacts on biodiversity values in the development area are anticipated.

Having regard to the proposed location, timing and method of carrying out the works, and with the proposed measures to minimise and mitigate impacts where possible and the recommended conditions to protect the environment and require the retiring of ecosystem and species credits, the Department is satisfied that the biodiversity impacts of the proposal would be avoided or otherwise appropriately offset.

The Department is generally satisfied the Applicant has taken the appropriate steps to avoid, minimise and offset the biodiversity impacts associated with the proposal, and overview of the process will be augmented by the recommended conditions of consent to ensure the project is undertaken in accordance with the principles of the BC Act and Regulation.

The Department considers the BDAR is sufficient for the scope of the works permitted to be carried out in accordance with the specified parameters of the development. Biodiversity impacts arising from the development is limited to the extent necessary to enable construction of the new chairlift and associated works. The Department therefore considers the impacts of the development on endangered species and communities are reduced to an acceptable level to support the project, subject to the development being carried out in accordance with the recommended conditions of consent, including the retiring of the ecosystem and species credits as determined in the Biodiversity Credit Report to offset the unavoidable impacts to the vegetation and habitats present within the works area.

## 6.2 Proximity to waterfront land and water quality

The installation of the proposed infrastructure includes works within forty (40) metres of Spencers Creek, and on land within an area identified as development where there are implications due to the presence of wetlands.

The Department has considered the long-term management goals for the waterfront land, and whether any measures should be adopted in the carrying out of the development to assist in meeting those goals.



The long-term management goals for waterfront land are:

- (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,
- (b) to ensure that the integrity of areas of conservation value and terrestrial and aquatic habitats of native flora and native fauna is maintained, and
- (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.

While the development site and locality has already been disturbed in the proximity of the intended bottom station works from activities such as snowmaking and road construction, the Department seeks to prevent any further disturbance and degradation of the areas and for effective management and enhancement of riparian corridors.

Conditions have placed on the approval by DPE Water who have required the Applicant to obtain a Controlled Activity Approval (CAA) for the works, with the CAA application be accompanied by the following plans:

- i. Civil construction plans,
- ii. Construction detailed earthworks plans,
- iii. Construction drainage details/plan, and a
- iv. Erosion and sediment control plan.

The plans will require the approval by DCCEEW Water (former DPE Water), and will require environmental impacts on waterfront land to be minimised. The environmental protection measures to be included and implemented through the development of the plans will help achieve the long-term management goals for the Spencers Creek riparian corridor and ensure the quality of water runoff from the site during works and ongoing activity will not adversely impact any wetland or the Spencers Creek waterway or riparian zone.

The recommended conditions of consent include requiring the preparation of a Surface and Ground Water Management Plan in consultation with the NPWS and for the approval by the Department, where the Plan will also guide the works and activities associated with each phase of the project to avoid adverse impacts on processes associated with changes to surface water and ground water quality.

The Department is therefore satisfied that construction impacts are capable of being managed subject to compliance with relevant agency requirements. The measures proposed by the Applicant together with development conditions will be adequate to ensure appropriate mitigation and management measures are in place to ensure riparian land and values and water quality within the development footprint or off-site will not be diminished by the development.

### **6.3 Construction access**

Proposals within the Alpine resorts are required to consider the impact of construction activities upon the environment. In this regard, the Applicant has provided details as to how access to the construction sites will be achieved by vehicles and implements via an existing access track, once upgraded, as well as via helicopter movements.

Based on site inspection in conjunction with staff from TfNSW and the NPWS, the Department has reviewed the current access track from the Kosciuszko Road to the top of the existing/ proposed lift alignment. For the most part, this unformed track was confirmed to comprise mainly lightly discernible wheel ruts in heath vegetation and also traversing part of an endangered ecological community (PCT 637). The track was recognised by the NPWS as currently being unsuitable to support the expected construction traffic and ongoing operational traffic without damage to the adjoining vegetation (to circumvent the ruts), with increased use likely to lead to further surface disturbance, erosion and sedimentation impacts, weed colonisation and habitat decline.

The SEE does not provide sufficient detail on the intended earthworks or track treatment beyond stating that track forming is required, and that gravel may be used in sections. The Department sought to understand the scope of the proposed works to consider the environmental impacts that may occur as a result of the construction and use of the track. However, the required construction detail such as the location and extent of excavation, gravel deposition and drainage works to upgrade the subject track to an 'all-weather' access has not been forthcoming in response to requests for the additional information from the Applicant.

Assessment as to the adequacy of the track access entry design is also limited, where the compatibility of the indicative design (provided to date) with the GTAs issued by TfNSW (as revised) requires confirmation. The NPWS have provided a range of comments throughout the assessment process, and have continued to seek further detailed information and clarification about the works to the access track and the intended track entry works in the road reserve of Kosciuszko Road to enable properly informed consideration of the development impacts, and to assess what impact minimisation and mitigation measures are required.

As previously discussed, NPWS also relayed their concerns in relation to how or where works to the access track may impede or divert run-off and alter the hydrological processes within and outside the construction corridor, impacting the adjoining wetland/bog EEC. NPWS has therefore recommended that the works be completely contained within the existing four (4) metre-wide track corridor and associated development footprint. All water diversions, sediment runoff, erosion controls and gravel management must not cause impacts outside the development footprint.

To enable the application to progress, the Department has required the provision of the details of the construction access track and the access entry design via relevant conditions of consent. The Department is also intending to limit unauthorised access movements and damage by implements such as the excavator by specifying the location and nature of demolition and construction activities permitted within the development site, which will be limited to the minimal movements proposed by the Applicant and accounted for in the BDAR. The detail of the entry and track construction works will have to be prepared in consultation with the NPWS and approved by the Department, demonstrating that track construction and drainage works are consistent with the development footprint included the BDAR. Should any variation be required, modification to the application (and the BDAR) will need to be sought.

The Department is satisfied that, subject to conditioning requiring approval of the construction access plans for the track entry and works, and associated conditions requiring the strict implementation of construction corridors and constraining the permitted scope of the works, the access entry and track upgrade works can be undertaken without the works causing adverse impacts on the environment beyond those already addressed in the BDAR.

## 6.4 Construction and machinery

The development site on a steep slope and in a boulder field amongst endangered species within the sensitive alpine environment requires the Department to closely consider the impact of construction activities upon the natural environment. The Applicant originally proposed removal of the Poma towers and the existing top station infrastructure during Winter over snow to reduce the impact on the environment. However, the intended timing of the removal process has since been revised to proceed in summer. Other than Tower 1 and the nearby Poma bottom station components, the other eight (8) towers, top station infrastructure and counter weight will be removed via helicopter. The delivery of concrete for the construction of the new chairlift tower footings for Towers 2 to 7 and the chairlift top station will also be undertaken by helicopter, as will the delivery of the equipment, materials and infrastructure associated with the construction of the new top station. The Department has reinforced this undertaking requiring via a condition of consent that the subject movements are only to be undertaken by helicopter to help reduce the impacts on the environment.

To ensure that the aerial movements are undertaken in a safe and environmentally sensitive manner, the Department has also applied a condition of consent requiring the Applicant to prepare a Helicopter Management Plan providing details of the helicopter(s) to be utilised in the aerial operations and all intended helicopter movements during the demolition and construction activities that interact with key public areas, including between the construction laydown area and helicopter landing area (on Lot 116 in DP 1242013) and adjacent Kosciuszko Chalet Hotel and flight paths over Charlotte Way and Kosciuszko Road.

The use of a small excavator to dig the footings will be required for the new towers and top and bottom station works. The Applicant has proposed use of the upgraded access track for the excavator to travel to the top station site and work down the slope, with limited movements off the formed track via delineated travel paths in and out of the tower footing locations. The approved travel path forms the basis of development footprint detailed in the BDAR. The Department supports the heavily restricted movement of all machinery associated with the project, which is to remain within the development footprint. Conditions of consent have been applied to both confirm how access to each tower site must be achieved, and for the construction corridor to be clearly marked, as previously discussed.

The NPWS also recommended standard machinery conditions for works on ski slopes, including that machinery is to be cleaned prior to entry in KNP and that materials and equipment must both operate and be stored within the approved development footprint or staging areas. The Department has applied recommended conditions relating to the implementation of the vehicle hygiene, refueling protocols and machinery handling processes to avoid sensitive areas, along with the requirement to appoint a designated Environmental Officer and/or a qualified Ecologist to oversee compliance with the development conditions prior to the commencement and during works.

Works within the road reserve of Kosciuszko Road to undertake works to construct the access track entry and the footing for Tower 4 will need to be in accordance with a Traffic and Pedestrian Management Plan, as well as movements and the provision of alternate parking along Kosciuszko Road and Charlottes Way during the demolition and construction process. The subject Plan is required via a condition of consent to be prepared in consultation with the NPWS and approved by the Department. TfNSW will also require the approvals and permit previously discussed in this report that relate to activities over and within the classified Kosciuszko Road.

Subject to operations being undertaken in accordance with the approved documentation and in accordance with the recommended conditions of consent, the Department is satisfied that the machinery proposed is

appropriate in the setting and the demolition and construction works can be undertaken without causing an adverse impact on the environment or safety of visitors.

## **6.5 Visual impact**

The Department is required to take into consideration any visual impact of a proposed development, particularly when viewed from the Main Range Management Unit, when determining a development application. The development will be visible from the Main Range Management Unit, as well as from key vantage points in the public domain including from Kosciuszko Road and from Charlotte Pass village.

The existing character of the proposed site is that of a developed ski resort, with the existing alpine village and surrounding lifting infrastructure on the ski slopes, as well as surrounding roads, top and bottom stations, haul ropes, lift towers and disturbed areas of vegetation.

The proposed works include an expanded clearing corridor along the upgraded access track and newer lifting infrastructure that will be within the same general alignment as the existing poma infrastructure. While removal of the existing poma lifting infrastructure includes removing the nine (9) Poma lift towers, and these will be replaced with fewer towers for the proposed chairlift, comprising seven (7) towers in total, the new towers will be taller in profile and more visually discernible in the high altitude, low tree-line of the alpine landscape. However, the replacement lift infrastructure is similar to ski lifts across the alpine ski resorts, and is generally considered to be relatively unobtrusive in the context and similar to other lifting infrastructure also visible in the locality.

The proposed chairlift top and bottom stations are larger than the existing poma stations. The colour choice of the buildings is complementary to the surrounding environment, with the dark grey colour proposed (Colorbond Monument). The Department has stipulated that the galvanised steel lift towers are to have a low-reflectivity finish. Given the visual prominence and sensitivity of the natural setting, together with the proximity of historical items of heritage potential to the bottom station, the Department has sought for the restricted use of colours to a darker palette compatible with the setting, and for any reflective finish to be subdued to help ensure the structures are less obvious in the setting and reduce any nuisance glare.

The NPWS has also considered visual impacts of the development as part of its assessment as the KNP Plan of Management places particular emphasis on reducing the visual impacts of development when viewed from the Main Range Management Unit. The NPWS requested a visual impact analysis of the development when viewed from the Main Range Management Unit and from other key vantage points. Information provided was reviewed by the NPWS, who raised no objection.

The Department considers the visual impacts of the development to be acceptable in the context of the site and surrounding resort infrastructure. Measures have been incorporated into the design as much as practicable and controls via conditions of consent will help minimise the impact of the infrastructure in the landscape.

## **6.6 Public amenity**

Noise will be generated during the construction phase of the project which may cause disturbance to Charlotte Pass visitors in accommodation in proximity to the works. It is noted that noise and vibration will be short term and that construction is likely to occur outside the ski season. The Department will require the implementation of construction hours to limit all work in connection with the proposal to be undertaken between 7.00am and 6.00pm, seven (7) days a week. However, works within the road reserve of Kosciuszko Road or similar traffic management matters will be subject to any additional requirements imposed by TfNSW as the road authority.



Noise from operation of the chairlift is not considered to be a matter of concern in the context of the development. The infrastructure will not be permitted to operate at all times on any day of the year, as proposed by the Applicant, but limited to daylight hours during Winter. The limited times means that any noise from operation of the lift (including patron noise) will not be generate noise nuisance for resort patrons or adversely impact wildlife, and traffic will not be travelling along Kosciuszko Road when the overhead lift is in operation.

Some disruption to road users and pedestrians is anticipated during construction. Prior to the commencement of building works, a Traffic and Pedestrian Management Plan and Helicopter Management Plan will need to be prepared and submitted to the satisfaction of the Department and TfNSW addressing how any disruptions will be managed for the amenity and safety of Park users and what provision will be made to manage contractors and equipment during works.

The Department is therefore satisfied that the measures proposed are adequate to ensure appropriate mitigation and management measures will be in place to ensure the alpine environment will not be significantly impacted or diminished by the development, and works can be undertaken and managed to avoid significant loss of amenity to Park users.

## **6.7 Construction Standards**

The Department has considered the proposal in relation to construction standards and notes the following conditions have been applied:

- the proposed new building works are to comply with the Building Code of Australia (BCA) and relevant Australian Standards,
- accessibility requirements in accordance with the Access to Premises – Buildings standards are to be considered by the Certifier determining the Construction Certificate,
- the lifting infrastructure is to be registered with SafeWork NSW and a copy of the plant design registration provided to the Department prior to commencing use of the lift,
- structural drawings, design statements and certification must be provided by the appropriately qualified structural engineer in relation to all structures that form part of the development, and engineering certification is required in the preparation of documentation such as the surface and groundwater management plan and the stormwater management plan, as well as an appropriately qualified engineer certifying any hydraulics plan,
- a geotechnical engineer will need to review and certify relevant plans and site works, and confirm that works are suitable to be carried out, or have then been carried out, in accordance with the geotechnical requirements and recommendations and the subject Policy, and
- electrical works must be carried out by a qualified and licensed electrical contractor, and plumbing/hydraulic works must be carried out by an appropriately licensed plumber in accordance with the requirements of the applicable legislation and the requirements of the plumbing regulator (NPWS).

While further matters relating to BCA compliance will need to be addressed by the Certifier at the Construction Certificate stage, the Department concludes that subject to compliance with the recommended conditions of consent, the development will be carried out in compliance with relevant construction standards.

## 6.8 Heritage

The ski lift infrastructure at Charlotte Pass, including the existing circa 1963 poma infrastructure was recognised in the Ski Resorts Heritage Study 1998 as having heritage potential. The current infrastructure within the Charlotte Pass setting has been identified by the NPWS as a place of cultural significance. For this reason, heritage assessment of the Poma was required.

While the Department recognises the contribution of the existing High Speed Guthries Poma lift to the history of the Charlotte Pass Ski Resort, it has now become dated infrastructure. The provision of the new chairlift is recognised as being in the public interest. Retention of the old infrastructure is not considered viable or desirable. Removal of the poma enables the new lifting infrastructure to utilise the existing lift line, thereby both reducing cumulative visual clutter in the location and helping minimise impacts on the environment.

Consideration has also been given to the proximity of the works to nearby historical items with heritage potential, including the entry gate posts to the Charlotte Pass village and an historical stave pipe and stone culvert. Impacts on the nearby items is considered unlikely. The potential of the works to result in any adverse impacts upon an area of Aboriginal cultural heritage is also considered low. However, a condition is 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.

The Department is satisfied that, subject to a suitable site environmental management plan being implemented, the development can be undertaken in a way to avoid disturbance to built heritage or cultural heritage sites, other than the necessary loss of the poma to enable installation of the new lifting infrastructure. The removal of the poma will also be subject to a condition requiring the Applicant compile an archival historic and photographic record of the existing poma to ensure the physical, social and cultural context of the item is archived for posterity.

## 6.9 Other issues

The Department's consideration of other issues is discussed below in **Table 4**.

**Table 4 | Summary of other issues**

Issue	Assessment	Department Consideration and Recommendation
Managing demolition and construction impacts	<ul style="list-style-type: none"><li>The application presently has proposed a Site Environmental Management Plan (SEMP) as well as a separate Construction Environmental Management Plan (CEMP). Further information relating to the intended demolition and construction processes is distributed throughout documentation supplied to the Department in response to requests for additional information over the course of the assessment.</li></ul>	The Department considers that the consolidation of the site management plans and documentation into a single SEMF plan rather than dispersed in separate documentation is necessary to avoid confusion and to best ensure all staff and contractors working on the project have a single point of reference outlining the project site management requirements. The Department has therefore required preparation of an amended SEMF as a condition of consent that combines the existing

	<p>Inconsistencies between the documents exist.</p>	<p>SEMP, CEMP and related documents, together with compiling and including other plans and information required in accordance with the conditions of consent (such as the no-go areas, Guthega skink exclusion zones, refueling protocols, traffic management, and rehabilitation measures). The amended SEMP must be prepared in consultation with the NPWS and approved by the Department prior to the commencement of any works.</p> <p>Subject to satisfactory compilation of - and compliance with - the amended SEMP, the Department is of the view that the impacts from proposed works can be appropriately managed.</p>
Rehabilitation and Monitoring	<ul style="list-style-type: none"> <li>• The location of the new top and bottom stations is primarily within previously disturbed areas.</li> <li>• New track works and tower locations associated with the chairlift are not located within disturbed areas.</li> <li>• The application lacks a comprehensive rehabilitation and monitoring plan.</li> </ul>	<p>The Department has recommended conditions requiring site and species monitoring be carried out to inform the implementation of environmental management measures and appropriate rehabilitation works. A revised, detailed Rehabilitation and Monitoring Plan is also required which is to include the prescribed monitoring plans. The Department is satisfied that the carrying out of the monitoring and of tailored rehabilitation works will ensure any disturbed areas will be adequately rehabilitated.</p>
Geotechnical	<ul style="list-style-type: none"> <li>• The Applicant has provided a geotechnical assessment in support of the proposal by Asset Geotechnical Engineering Pty Ltd.</li> <li>• The assessment states that provided the development is carried out in accordance with the recommendations, a Low Risk is assessed with respect to property (during and post construction) and the risk to life is assessed as Acceptable (during and post construction).</li> <li>• Geotechnical recommendations have been provided in relation to</li> </ul>	<p>The Department raises no concerns with the proposal, subject to implementation of the recommendations as proposed by ACT Geotechnical Engineers Pty Ltd.</p> <p>Conditions are recommended to ensure the recommendations are implemented and requiring the provision of further certification throughout the construction phase in accordance with the Department's Geotechnical Policy.</p>

	<p>matters including excavation conditions and use of excavated materials, footing adequacy, batter slope stability and drainage. Recommendations include that geotechnical inspections are required during key site works.</p> <ul style="list-style-type: none"> <li>• A Form 4 (Minimal Impact Certification) was provided determining that the works are of such a minor nature that the requirement for geotechnical advice in the form of a geotechnical report is considered unnecessary for the adequate and safe design of the structural elements to be incorporated into the new works.</li> </ul>	
People Movement	<ul style="list-style-type: none"> <li>• The replacement of the Guthries High Speed Poma over-snow lift with a double chairlift is not intended to greatly change people movements around the Charlotte Pass Alpine Resort.</li> <li>• The proposed chairlift will improve the efficiency, safety and speed of moving skiers on the existing lift alignment.</li> </ul>	No recommended conditions required.
Electrical Transformers	<ul style="list-style-type: none"> <li>• To facilitate the operation of the new chairlift, upgraded power may be required. No works are proposed as part of this development.</li> </ul>	If upgrades to the existing electrical infrastructure are required, separate approval under the Infrastructure SEPP is required.
Access track usage	<ul style="list-style-type: none"> <li>• The Department recognises the need to prevent public vehicle access to the access track for safety and environmental protection reasons.</li> </ul>	Design measures to prevent unauthorised access to the track are required as a condition of consent. This is to include signage and a gate or bollards, which can be temporary or removable for summer use only so that winter operations are not affected.



## 7 Evaluation

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

- the proposal improves the provision of tourist facilities within Charlotte Pass Alpine Resort for the benefit of visitors, supporting regional alpine tourism and the NSW economy,
- the impact on native vegetation and fauna has been reviewed and impacts on any threatened species, population or ecological community will be appropriately managed, and
- environmental protection measures to be undertaken prior to and during the works will reduce the likelihood of adverse impacts upon the natural environment, and the rehabilitation of disturbed areas following construction.

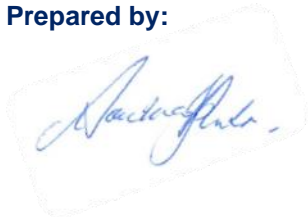
Overall, the Department is satisfied that the proposal is suitable for the site and in the public interest. The Department therefore recommends that the application be approved subject to recommended conditions.

## 8 Recommendation

It is recommended that the Director of 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 22/12013, subject to the recommended conditions
- **signs** the attached Development Consent (**Appendix A**).

**Prepared by:**



**Sandria Butler**  
Senior Planning Officer  
Alpine Resorts Team

**Recommended by:**



**Daniel James**  
Team Leader  
Alpine Resorts Team

## 9 Determination

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

A handwritten signature in blue ink, consisting of the letters 'K' and 'T' followed by a horizontal line.

**Keiran Thomas**

Director

Regional Assessments

as delegate of the Minister for Planning

29 February 2024

# Appendices

## Appendix A – Recommended Instrument of Consent