



Ski Patrol Hut – Perisher

Development Application Assessment
DA 23/2785

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Glossary

Abbreviation	Definition
BCA	Building Code of Australia
BC Act	<i>Biodiversity Conservation Act 2016</i>
BC Regulation	<i>Biodiversity Conservation Regulation 2017</i>
BVM	Biodiversity Values Map
Consent	Development Consent
CPP	Community Participation Plan
Department	Department of Planning and Environment
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2021</i>
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
EPI	Environmental Planning Instrument
ESD	Ecologically Sustainable Development
KNP	Kosciuszko National Park
Minister	Minister for Planning
NPWS	National Parks & Wildlife Service
Planning Secretary	Secretary of the Department of Planning and Environment
SEPP	State Environmental Planning Policy

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1 Introduction

The application seeks approval to install a ski patrol hut at the top of the Quad Express Chairlift at Perisher Valley in Perisher Range Alpine Resort within Kosciuszko National Park (KNP) - **Figure 1**.



Figure 1 | Location of the site northwest of Perisher (Source: Six Maps 2023 and Applicant's Documentation)

The proposed works involve excavating an area of approximately two (2) metres by two (2) metres at a depth of 0.6 metres immediately to the north of the Quad Express Chairlift Top Station, near the chairlift patron unloading area – **Figure 2**.



Figure 2 | Ski patrol hut location adjoining the Top Station (Source: Applicant's documentation)

extending to the south east along the alignment of the chairlift, and gradually dropping in elevation to the Quad Express Chairlift Mid Station and continuing towards the base of Perisher Valley.

Construction works to install the ski patrol hut are expected to be carried out over a two-week period during the summer season.

The proposed cost of works is \$8,030.

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

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

2 Matters for Consideration

2.1 Strategic Context

South East and Tableland Regional Plan 2036

The proposal is consistent with the Regional Plan as it as it would enhance the ongoing safe operation of the skiable terrain surrounding the Perisher Quad Express Chairlift, being one of the longest ski lift facilities in the Perisher Range Alpine Resort, which is important to the maintenance of visitation to the resort and local economy.

Snowy Mountains Special Activation Precinct Master Plan

Section 9.1.2 of the Master Plan relates to Perisher Range. The proposal is consistent with the Master Plan as the works help improve and maintain the extensive ski lifting network that sustain the Alpine Precinct as key destination for visitors. The works support ski slope activities and safety without causing significant impacts on the environmental, cultural and landscape attributes of Perisher Range.

Precincts - Regional SEPP

The proposal is consistent with Chapter 4 of the Precincts - Regional SEPP, where the development contributes to the recreation facilities available in the Resort, supporting regional tourism. Works will be undertaken in a way that has due regard to the alpine environment and the conservation and restoration of ecological processes, natural systems and biodiversity. Disturbance to the site will mostly be contained within the small excavation footprint for the concrete base pad for the hut, with measures in place to mitigate adverse impacts on the environment.

Under the provisions of section 4.27 of the SEPP, the National Parks and Wildlife Service (NPWS) have a commenting role as the land manager, which includes administering the Plan of Management framework for KNP that incorporates objectives, principles and policies to guide the long-term management of the KNP. NPWS have recommended conditions to prevent adverse impacts on the natural or cultural environment.

2.2 Permissibility

The proposal relates to the installation of a ski patrol hut. Pursuant to section 4.7 of the Precincts - Regional SEPP, works relating to 'ski slope huts' are permissible with consent within the Perisher Range Alpine Resort.

2.3 Mandatory Matters for Consideration

Objects of the EP&A Act

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	The proposal supports the ongoing use of the skiable terrain surrounding the Quad Express Chairlift through

<p>better environment by the proper management, development and conservation of the State's natural and other resources,</p>	<p>improving patrol assistance response times and visitor safety.</p> <p>The construction impacts will be maintained in a small construction footprint in order to install the footing for the Patrol Hut. Impacts on the environment will be minimised.</p>
<p>(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,</p>	<p>The proposal would not have an unacceptable impact on the environment, thus being compatible with ecologically sustainable development. Adverse impacts on the natural environment are not expected to occur, whereas the socioeconomic outcomes of the works are generally expected to be positive. Mitigation measures during construction have been included in the recommended conditions of consent.</p>
<p>(c) to promote the orderly and economic use and development of land,</p>	<p>The development seeks approval for works that upgrade the operational proximity and response times for the safety of the patrons using the skiable terrain surrounding the Quad Express Chairlift. This contributes to greater visitor amenity, supporting Alpine Resort visitation for winter snow sports and tourism, thereby promoting the ongoing economic use of the land.</p>
<p>(d) to promote the delivery and maintenance of affordable housing,</p>	<p>Not applicable to this proposal.</p>
<p>(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,</p>	<p>Impacts upon the environment are limited to a small, previously disturbed area, avoiding sensitive areas identified on the Biodiversity Values Map and any threatened species.</p>
<p>(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),</p>	<p>The site is not in proximity to an area or item of built heritage. Given that the proposed works are surrounded by an area of archaeological sensitivity, construction equipment will be required to remain on the existing access track, except in the specific area of proposed works which is not an area of archaeological sensitivity. The development is considered to be unlikely to result in any adverse impacts upon an area of Aboriginal cultural heritage.</p>
<p>(g) to promote good design and amenity of the built environment,</p>	<p>The Department considers that the proposed works will not detract from any built form. The operator hut, is small in scale and is finished in a khaki-green colour, being compatible with the setting and surroundings.</p>

(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,	Minor building works are proposed as part of the development. 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 structure (refer to Appendix A).
(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 Section 3).
(j) to provide increased opportunity for community participation in environmental planning and assessment.	The Department was not required to publicly exhibit the proposal (refer to Section 3).

Considerations under section 4.15 of the EP&A Act

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&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</p>

	regulations, the findings of which are contained within this report.
(a)(v) any coastal zone management plan	Not applicable to the proposal.
(b) the likely impacts of that development	The Department has considered the likely impacts of the development, where the proposal is considered to have positive economic and social impacts while the environmental and cultural values of the site and locality will be maintained.
(c) the suitability of the site for the development,	The site is suitable for the development and supports the ongoing safe operation of the ski lift and surrounding snow-based winter activities in the resort.
(d) any submissions made in accordance with this Act or the regulations,	Consideration has been given to agency discussions during the assessment of the application. See Section 3 of this report.
(e) the public interest.	<p>The works are consistent with the aim and objectives of Chapter 4 of the Precincts - Regional SEPP. The development seeks to ensure the ski patrol staff who will be located in the hut can assist with any patron issues near the Perisher Quad Express Chairlift Top Station and lower on-slope more swiftly, for the assistance and safety of patrons. Tourist services support visitation, which underpins the viability of the Alpine Resorts. The works will be undertaken in a way to avoid adverse impacts on the environment.</p> <p>As such, the proposal is believed to be in the public interest.</p>

Environmental Planning Instruments

State Environmental Planning Policy (Precincts - Regional) 2021 (Precincts - Regional SEPP) is the principal EPI applicable to the development. Consideration of the relevant provisions to the proposal within Chapter 4 of the Precincts - Regional SEPP is provided in **Table 3**.

Table 3 | Chapter 4 considerations

Chapter 4 - Precincts - Regional SEPP - Kosciusko Alpine Region	
Section 4.9 Demolition	
The demolition of a building or work on land in the Alpine Region	The proposal does not relate to the demolition of a building or the demolition of work/s on land.

Section 4.21 Heritage conservation

European heritage

The proposal would not impact on any European heritage items.

Aboriginal heritage

Areas of archaeological sensitivity are known to be located near the work site. The measures to protect Aboriginal cultural heritage have been considered further in Section 4 of this report.

Section 4.24 Flood planning

Development on land in the flood planning area

The site is not located in a flood planning area and is not subject to flooding.

Section 4.25 Earthworks

Impact of earthworks

The excavations for the cement slab at the base of the patrol hut are narrow and shallow, and will only be left exposed for a short duration until the slab is laid. The Department considers that the earthworks proposed are unlikely to cause the disruption to, or adverse impact on, drainage patterns or soil stability in the locality of the development. Works will be undertaken to avoid impacts on the environment or the amenity of any park users while supporting the current use of the land.

No stockpiling of materials will occur on site. A condition of consent will require appropriate sedimentation and erosion control measures to be in place in accordance with the NPWS Guidelines.

Section 4.27 Consultation with National Parks and Wildlife Service

Consult with, and consider submissions from, the NPWS

The proposal was referred to the NPWS and comments were received. Refer to consideration of the NPWS referral comments in Section 3 of this report.

Section 4.28(1) – Consideration of master plans and other documents

(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 development will be managed with regard to the principles of ESD. The provision of a ski patrol hut at the subject Top Station is intended to support the ongoing use of the ski lift and support winter snow sports and tourism in the locality. The proposal is appropriate as it relates to works to reduce

hazards and maintain tourism safety on the ski slopes, while having an acceptable impact on the environment.

(b) a draft development control plan that is intended to apply to the land and has been published on the NSW planning portal

Not applicable to the development.

(c) a conservation agreement under the *Environment Protection and Biodiversity Act 1999* of the Commonwealth that applies to the land,

Not applicable to the development.

(d) the *Geotechnical Policy - Kosciuszko Alpine Resorts* published by the Department in November 2003,

The site is within the 'G' zone identified on the Department's Geotechnical Policy Map. In accordance with the Policy a Geotechnical Assessment Report has been provided with the application, together with a Form 4 to certify that the development relates to minor construction works which present minimal or no geotechnical impact on the site.

(e) for development in the Perisher Range Alpine Resort—

(i) the Perisher Range Resorts Master Plan, published by the National Parks and Wildlife Service in November 2001 and

(ii) the Perisher Blue Ski Resort Ski Slope Master Plan adopted by the National Parks and Wildlife Service in May 2002.

The proposal has been considered against the relevant criteria of the PBSRSSMP. The Department considers the proposal is not inconsistent with the Master Plan as the works relate to upgrading ski slope supporting infrastructure. Ski Patrollers operate within the Perisher resorts and run routine patrols for hazards as well as responding to accidents on the slopes. The addition of the patrol hut is anticipated to help improve ease of ski patrol staff circulation and patron safety. This will improve visitor experience and related visitor patronage, strengthening the resort services and economic viability, while limiting the environmental impact of the works.

Section 4.29 Consideration of environmental, geotechnical and other matters

Under section 4.29(1) - In deciding whether to grant development consent to development in the Alpine Region, the consent authority must consider the following -

(a) measures proposed to address geotechnical issues relating to the development,

The geotechnical assessment report made recommendations that an experienced Geotechnical Engineer should review footing designs to check that the recommendations of the geotechnical report have been included and should assess footing excavations to confirm the design assumptions. It was also recommended that surface drainage be improved to prevent water from

ponding on the uphill side of the unload and Patrol Hut area.

No drainage works have been proposed as part of this application. It is noted that the patrol hut will be elevated over a concrete pad on a 1.5 metre pole, and so the hut should not impede drainage from the site. Should any site drainage works be proposed that require an extension of the development excavation footprint, they will be subject to further review by the Department.

<p>(b) the extent to which the development will achieve an appropriate balance between -</p> <p>(i) the conservation of the natural environment, and</p> <p>(ii) taking measures to mitigate environmental hazards, including geotechnical hazards, bush fires and flooding,</p>	<p>The proposed works have been designed to avoid and mitigate impacts on the natural environment. The land is not subject to flooding. No measures to protect against bushfire are required. The land is identified as being in an area of geotechnical sensitivity, and the works have been assessed as minor.</p> <p>Natural hazards have been adequately addressed. Natural hazards have been adequately addressed.</p>
<p>(c) the visual impact of the proposed development, particularly when viewed from the land identified as the Main Range Management Unit in the Kosciuszko National Park Plan of Management,</p>	<p>The installation of the patrol hut will not result in an unacceptable visual impact on the locality, where the patrol hut is clustered closely with the Top Station, in relation to which it is diminutive in height, bulk and form. The visual impact of the development is considered to be negligible.</p>
<p>(d) the cumulative impacts of development and resource use on the environment of the Alpine Subregion in which the development is carried out,</p>	<p>The works propose to add a small patrol hut to the Express Chair Top Station, in relation to which no adverse cumulative impacts are anticipated as the proposal. The development will not result in any changes to resource use, or impact the service and waste systems and facilities in place to support development and visitor patronage of facilities in the Alpine resorts.</p>
<p>(e) the capacity of existing infrastructure and services for transport to and within the Alpine Region to deal with additional usage generated by the development, including in peak periods,</p>	<p>No additional usage of the infrastructure and service network is predicted as a result of the project, whereas the works will facilitate the continued safe operation of the Perisher Quad Express Chairlift to help maintain visitation of the Resort's services and infrastructure.</p>
<p>(f) the capacity of existing waste or resource management facilities to deal with additional waste</p>	<p>The project will involve the generation of minimal construction waste, and will not generate ongoing operational waste by the development. The capacity of</p>

generated by the development, including in peak periods.

existing waste facilities to deal with any waste from the project is considered adequate.

Under section 4.29(2) - For development involving earthworks or stormwater draining works, the consent authority must also consider -

Measures to mitigate adverse impacts associated with the works

Onsite stormwater drainage works are not proposed as part of the application. No negative impacts to stormwater are anticipated due to the nature and location of the proposed works.

Measures to mitigate the adverse impacts of the earthworks have been considered previously, and are detailed further in **Section 4** of this report. The impacts are considered to be acceptable.

Under section 4.29(3) - For development the consent authority considers will significantly alter the character of an Alpine Subregion, the consent authority must also consider -

(a) the existing character of the site and immediate surroundings, and

The development will not significantly alter the character of an Alpine Subregion, or the character of the site and immediate surroundings.

(b) how the development will relate to the Alpine Subregion.

As above.

Section 4.30 Kosciuszko National Park Plan of Management

Consistency between the development and the Kosciuszko National Park Plan of Management

The Department is satisfied that approval of the proposal would not be inconsistent with the KNP PoM.

Ecologically Sustainable Development (ESD)

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

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

- the proposal is not expected to adversely impact upon the health, diversity, or productivity of the environment for future generations,
- works are limited to excavating within the previously disturbed area,
- the proposal does not impact upon cultural heritage, including Aboriginal cultural heritage.

Biodiversity Conservation Act 2016

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

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

Native vegetation is not expected to be impacted during the proposed works. The proposed earthworks are not located within an area mapped on the BVM. This provision of the BOS under the BC Act are not triggered by the proposal.

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

3 Submissions

3.1 Department's engagement

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

The works are not within fifty (50) metres of tourist accommodation buildings, and the Department elected not to publicly exhibit the application.

The application was forwarded to the NPWS pursuant to section 4.27 of Chapter 4 of the Precincts – Regional SEPP.

3.2 Summary of submissions

No public submissions were received.

The Department received comments from the NPWS. The NPWS provided comments and recommended conditions relating to site environmental management measures to be undertaken on site for protection of the natural environment and Aboriginal cultural heritage.

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

4 Assessment

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

- managing construction impacts,
- protecting Aboriginal cultural heritage, and
- patrol hut design.

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

4.1 Managing construction impacts

The construction activities are not anticipated to cause disturbance to native vegetation or a BVM area - **Figure 5**.

The NPWS also considered the proposal and did not raise any objections to the development.

The Department has applied construction conditions relevant to the Alpine area along with recommended conditions from NPWS having regard to activities such as erosion and sedimentation measures and avoiding impacts to any Aboriginal items if they are detected during construction.

The Applicant will also be required to follow the Site Environmental Management Plan and the applied conditions of consent to protect the environment during works.

Subject to compliance with the conditions, the Department considers that the proposed construction impacts are acceptable.

4.2 Protecting Aboriginal cultural heritage

The site is surrounded by an area identified as being of archaeological sensitivity - **Figure 5**.



Figure 5 | Ski Patrol Hut site in relation to mapped areas of sensitivity (Source: Applicant's documentation)

The Applicant intends to ensure construction activities avoid all areas of archaeological sensitivity.

The NPWS reviewed the documentation provided with the application, and recommended a condition be applied 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 concludes that subject to compliance with the conditions of consent, the proposal has demonstrated due diligence and is satisfactory in relation to minimising impacts on Aboriginal cultural heritage.

4.3 Patrol hut design

The hut has been constructed already, as depicted in **Figure 3**. The structure was previously in use elsewhere in the resort and is ready for reuse with the proposed installation as a ski patrol hut at the Quad Chairlift Top Station site. The Applicant has advised that the hut will primarily be used to store ski patrol response equipment, and for the intermittent use by staff, usually comprising only one ski patrol member.

The hut will be placed on an elevated 1.5 metre platform base which will be accessed via the existing open-tread metal stairs and platform to the west of the proposed site. The structure is small in size and has a simple 3 x 3 metre square form with a low pitched roof. It is finished in khaki timber wall cladding with a single entry door and a fixed window on each elevation. The hut presentation is not considered to be visually intrusive and the neutral grey-green colour of the cladding and corrugated metal roof is compatible with the adjacent Quad Chairlift Top Station. The structure is clustered close to the existing building, where the design specifications will be subject to compliance with BCA requirements and engineering design standards.

The Department considers that the design and scale of the hut is appropriate in the location and compatible with the setting and surroundings. The Department concludes that subject to compliance with the conditions of consent, including references to the BCA which are to be addressed by the Certifier at the Construction Certificate stage, compliance with the relevant standards is achievable and the proposal is satisfactory.

5 Recommendation

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

- the impacts of the development on the environment have been appropriately avoided, managed and mitigated, and construction impacts on the surrounding environment will be minimised through adoption of conditions of consent,
- the cultural values of Kosciuszko National Park will be appropriately protected through due diligence being exercised in developing and undertaking the proposed works to minimise impacts on Aboriginal cultural heritage, and
- the works are acceptable to enhance the safety of visitors using of ski lifting infrastructure in Perisher, for the continued visitor enjoyment of snow-based Alpine activities, supporting the ongoing economic viability of the resort.

Overall, the Department is satisfied that the proposal is suitable for the site and in the public interest.

The Department therefore recommends that the application be approved, subject to recommended conditions. In accordance with the Minister's delegation of 9 March 2022, the Team Leader, Alpine Resorts Team may determine the application as:

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

It is recommended that the Team Leader, Alpine Resorts Team, 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 23/2785, subject to the recommended conditions
- **signs** the attached Development Consent (**Appendix A**).

Recommended by:



Sandria Butler
Planning Officer
Alpine Resorts Team

Adopted by:



26/4/2023

Daniel James
Team Leader
Alpine Resorts Team
as delegate of the Minister for Planning

Appendices

Appendix A – Recommended Instrument of Consent