

STATEMENT OF ENVIRONMENTAL EFFECTS

REDEVELOPMENT OF THE TOM THUMB LEARNING AREA FRONT VALLEY PERISHER SKI RESORT KOSCIUSZKO NATIONAL PARK



Prepared for
Perisher Ski Resort



JANUARY 2023

Project: 43-22

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REDEVELOPMENT OF THE TOM THUMB LEARNING AREA FRONT VALLEY PERISHER SKI RESORT KOSCIUSZKO NATIONAL PARK

This report has been prepared by:

A handwritten signature in black ink, appearing to read 'I. Pasalich'.

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JANUARY 2023

Project: 43-22

Dabyne Planning Pty Ltd

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EXECUTIVE SUMMARY

Dabyne Planning Pty Ltd has been engaged by Perisher Blue Pty Ltd (Perisher), the operator of the Perisher Ski Resort, to prepare a Statement of Environmental Effects (SEE) to accompany a Development Application (DA) to the NSW Department of Planning and Environment (DPE).

The DA is for the redevelopment of the Tom Thumb Learning Area, located within the Front Valley area of the Perisher Ski Resort.

The Tom Thumb Learning Area provides the premier Perisher precinct learning area for children as part of ski and snowboard lessons offered at the Perisher Ski Resort.

The area includes a dedicated area that is fenced off from the general public and includes three (3) skier conveyors and the Tom Thumb J-bar lift as well as associated snowmaking.

The proposal is to enlarge and expand the dedicated area for the ski school as well as relocate skier conveyor #3 used by the general public into the area, therefore creating more space on Front Valley and better queuing for both the Village Eight chairlift and Mitchell T-bar.

The proposed expansion will be achieved by removing the Tom Thumb J-bar lift. This will allow for a new skier conveyor #5 to be installed with a similar length on a different alignment.

Existing skier conveyor #4 will be utilised by the general public in its current location, with skier conveyor #3 which is currently being used by the general public being relocated to the former halfpipe site and renamed skier conveyor #6.

The short skier conveyor #1 located up the slope has already been approved to be relocated below the Village Eight chairlift under DA 22/4317. This will allow for a new covered skier conveyor #7 to be installed.

The site when completed, will accommodate four (4) skier conveyors and double the area of the learning area with an increase in skier capacity.

To accommodate the relocated and new skier conveyors and provide a consistent and suitable gradient for beginners and children, slope works including cut and fill associated with the existing aerial jump and adjacent area is proposed.

Other associated works include some minor changes to the snowmaking system, modification to the entry stairway and signage and installation of a snow fence.

The site is mostly highly modified and disturbed. Only a couple of small tree and rock islands are proposed to be removed that will result in a minor impact on native vegetation.

As the site is not located within an area mapped as comprising high biodiversity value and the clearing of native vegetation is below the threshold, the Biodiversity Offsets Scheme (BOS) under the Biodiversity Conservation Act, 2016 (BC Act, 2016) is not triggered.

Accordingly, a fauna and flora assessment has been prepared. This assessment has concluded that it is unlikely that the proposal will result in any substantial adverse impacts on the environment or have any significant effects on threatened species, endangered populations, ecological communities, or their habitats.

A detailed description of the proposal is provided in Section 3 of the report.

The SEE has concluded that the proposed development will allow for the expansion and upgrade of the learning area for children as well as a relocated conveyor for the public, designed to minimise impacts on the environment whilst improving the guest experience and operational outcomes for the resort.

1. INTRODUCTION

1.1 Purpose of the Report

This report presents a Statement of Environmental Effects (SEE) for a proposal by Perisher, for the redevelopment of the Tom Thumb Learning Area, located within Front Valley of the Perisher Ski Resort.

The purpose of this SEE is to

- describe the land to which the DA relates;
- describe the form of the proposed works;
- define the statutory planning framework within which the DA is to be assessed and determined; and
- assess the proposed development against the matters for consideration listed under Section 4.15(1) of the Environmental Planning and Assessment Act, 1979 (EP&A Act, 1979).

1.2 Justification for the Proposal

The Perisher Blue Ski Resort Ski Slope Master Plan (PSSMP) was developed by Perisher over seven (7) years and contains proposals for the ski slope areas of Perisher, Smiggin Holes, Blue Cow, Guthega and the Link Management Unit of Kosciuszko National Park. The plan was required by the Kosciuszko National Park Plan of Management at the time, which set out the required contents of a ski slope plan and the process for it to be adopted.

The PSSMP was adopted by the NSW Government in 2002 and covers the Perisher Valley Precinct (Precinct 1 - Chapter 6) which includes the areas known as Front Valley and Centre Valley.

At the time the PSSMP was adopted, the Perisher Village was central to the short-to medium term planning for the resort and this included the proposal to develop Mount Piper as the primary 'Learn to Ski Centre' with the Tom Thumb lift and skier conveyors to make way for link lifts and connections from Mount Piper to Front Valley.

The PSSMP also proposed an aerial jump site and removal of the summer road.

The aerial jump site is now redundant and to be removed, with the earth bank to be used to fill the area below. The summer road (Burrmys Road) is also being retained and the Mount Piper proposal is not planned to proceed without the Perisher Village and change in governance (i.e. head lease).

The Tom Thumb learning area is therefore to be retained and proposed to be upgraded and enhanced as proposed.

Overall, the development represents additional capital investment by the ski resort operator into modernising the lifting infrastructure and improving efficiency, leading to overall improved visitor experiences.

1.3 Objectives of the Proposal

The primary objectives of the proposal have been defined by the five main planning goals that have driven the development of the PSSMP which reflect both operational goals and environmental considerations as follows:

- **Integration:** *the efficient integration of what were originally four separate resorts.*
- **Modernisation:** *replacement of outdated lifts and equipment and the upgrading of other facilities to meet current expectations of safety and convenience.*
- **Expansion:** *provision of additional lifts, trails and other facilities to make efficient use of the areas identified in the PoM for alpine skiing and provide skiers of all skill levels with a range of opportunities.*
- **Enhancement of the visitor experience:** *creating a safe and attractive environment in all seasons.*
- **Environmental sustainability:** *implementation of skiing improvements in a way which maintains or enhances the essential natural processes within the environment of the resort.*

Factors affecting the quality of the visitor experience include:

- *ease of access into and out of the resort;*
- *ease and efficiency of circulation within the resort for pedestrians and skiers;*
- *number, capacity and diversity of lifts and trail systems;*
- *extent and quality of snow;*
- *adequacy of public facilities;*
- *public safety;*
- *pricing regime; and*
- *ambience and character of the resort.*

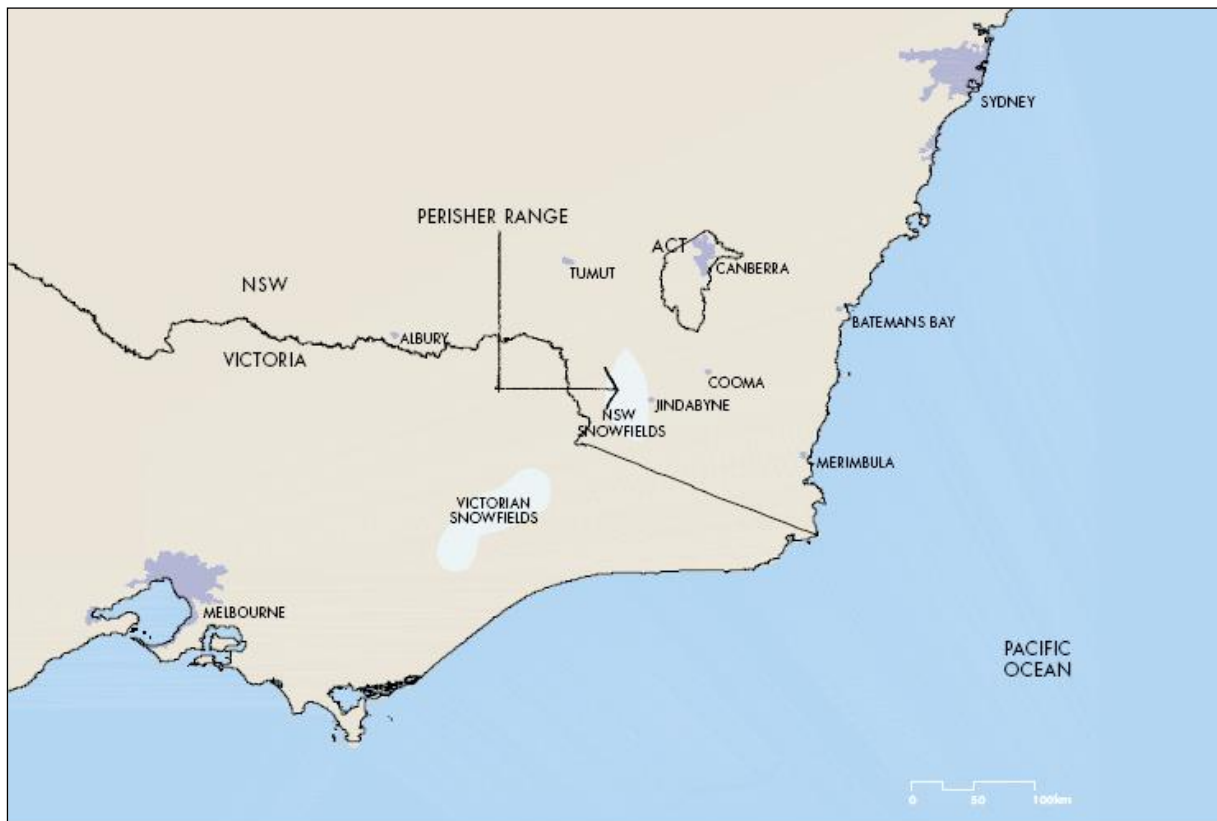
Ease and efficiency of circulation, adequacy of public facilities, lift and trail capacity and public safety are largely determined by the PSSMP, which can also significantly influence the ambience and character of the resort.

The proposed development has been guided by these five primary objectives and sets out to achieve increased lift capacity; increase slope capacity; improved ease of use; improved performance; modernisation of infrastructure; and improved visitor experiences.

2. THE LOCALITY AND SITE

2.1 The Locality

The subject site is located within the Perisher Valley precinct of the Perisher Ski Resort, which is located within the Perisher Range Resorts in South-Eastern NSW as illustrated in figure 1 below:



*Figure 1: Location of the Perisher Range in context with South-Eastern NSW
(Source: Perisher Range Resorts Master Plan)*

The Perisher Range Resorts is located within the southern part of the Kosciuszko National Park.

A map of Kosciuszko National Park is provided in figure 2 below.

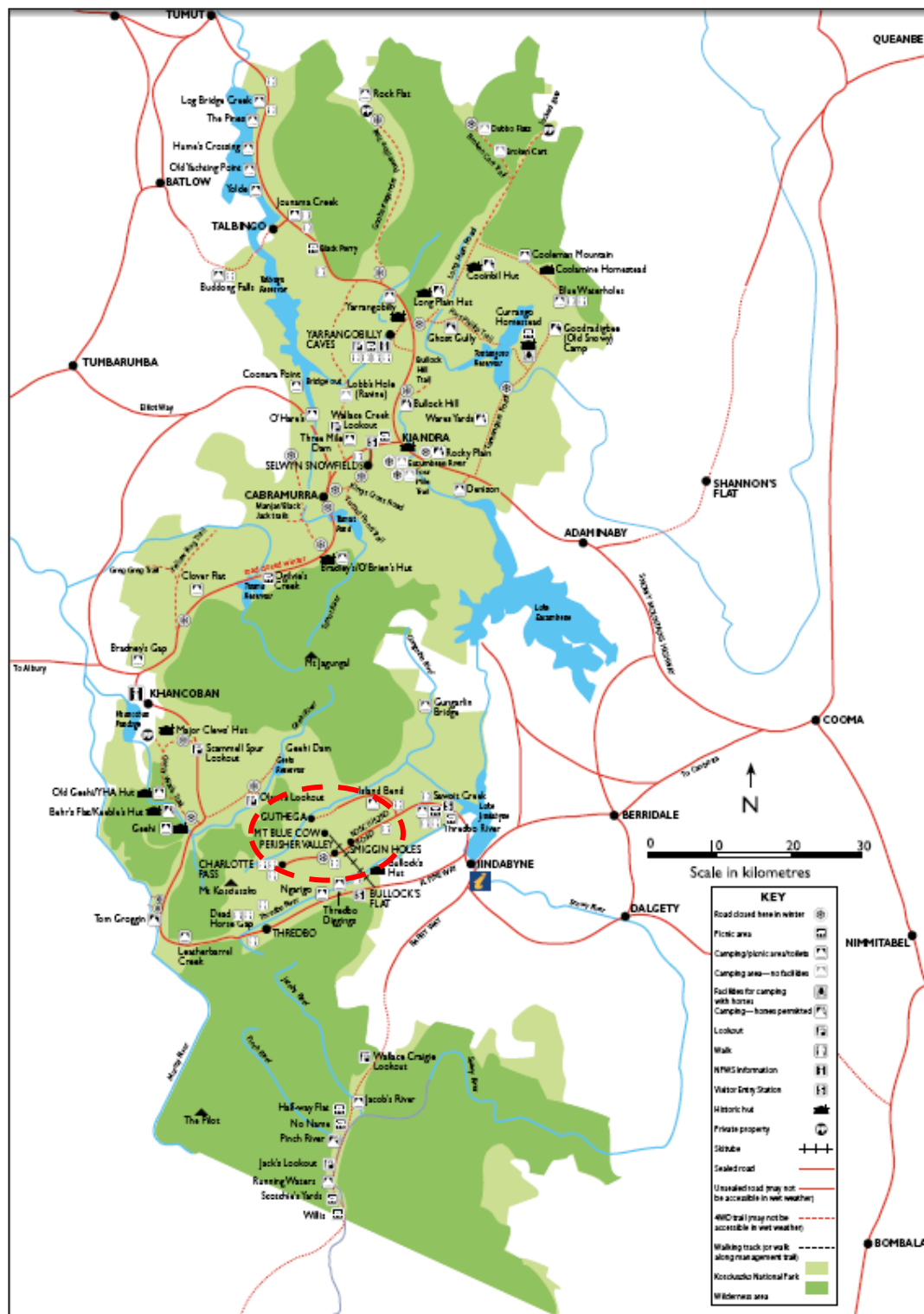
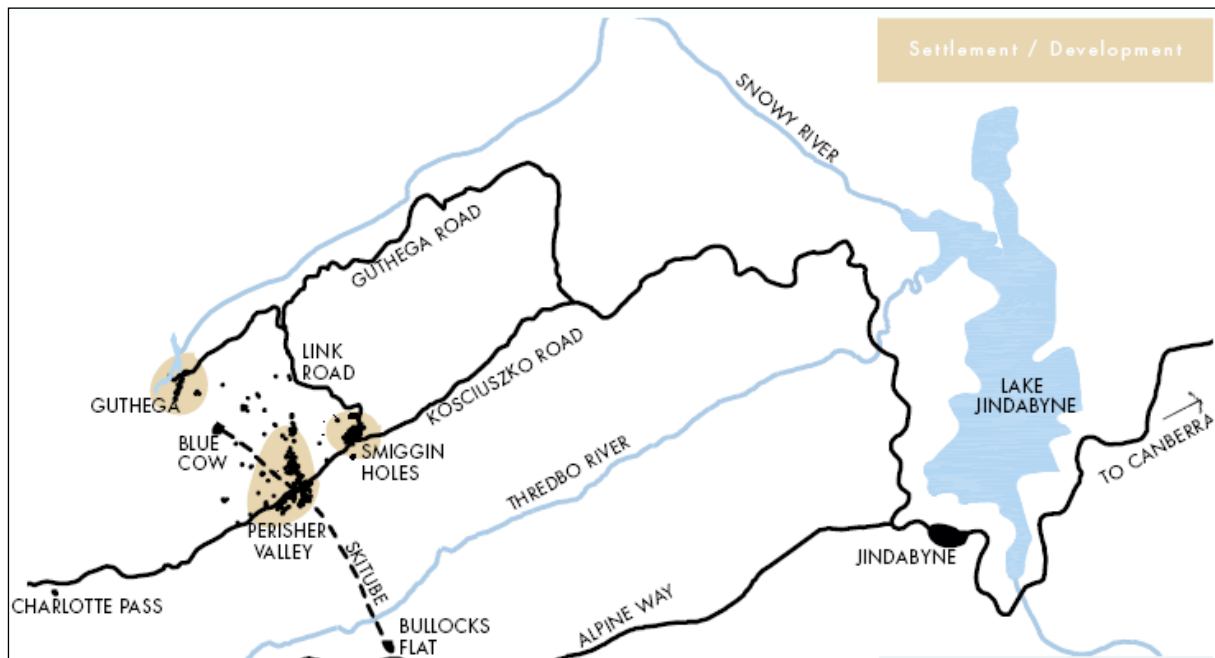


Figure 2: Location of Perisher Valley in context with Kosciuszko National Park
(Source: NPWS KNP 2011 Guide)

The Perisher Valley Precinct is located approximately 35kms from Jindabyne. Vehicle access to the resort is achieved via Kosciuszko Road, while access is also achieved via the Skitube from Bullocks Flat.

The location of Perisher Valley is illustrated in context with the regional locality in figure 3 below:



*Figure 3: Location of Perisher Valley in context with the Region
(Source: Perisher Range Resorts Master Plan)*

2.2 The Perisher Valley Precinct

The Perisher Valley Precinct includes both Front Valley and Centre Valley and forms the 'gateway' onto the slopes of the Perisher Ski Resort for most resort visitors.

The Perisher Valley Precinct is accessed either via vehicle from Kosciuszko Road, by the Skitube Railway from either Bullocks Flat or Blue Cow.

A topographical map of the Precinct in relation to the Perisher Range Resorts is provided in figure 4 below.

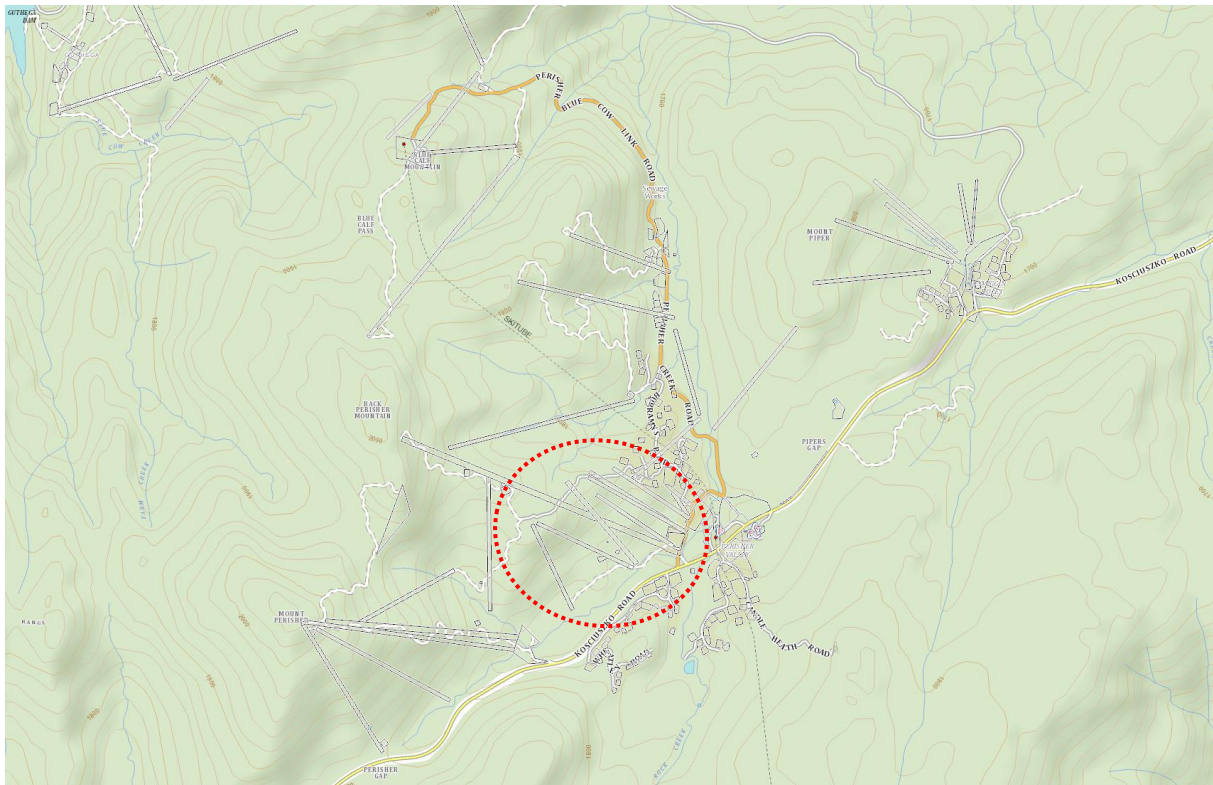
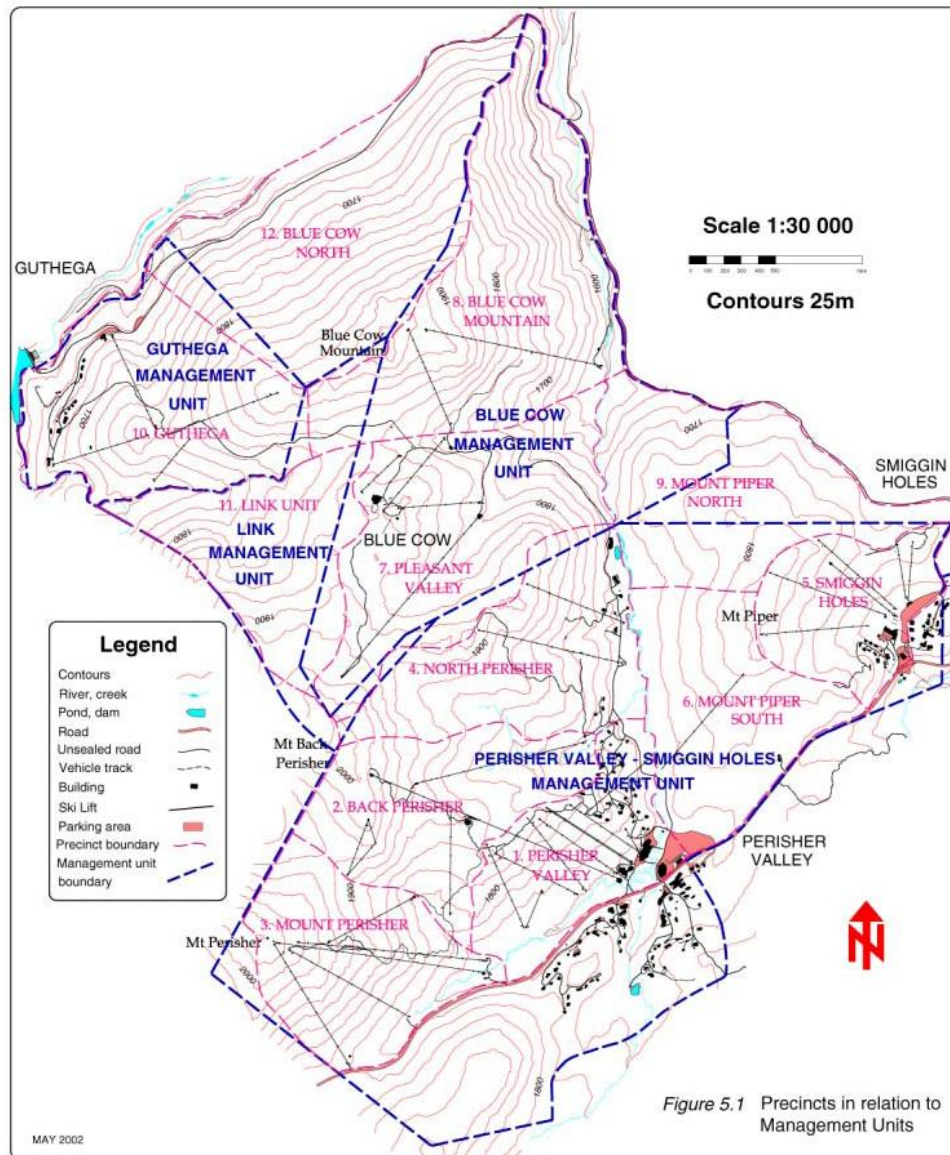


Figure 4: Location of the Perisher Valley Precinct in context with the Perisher Range Resorts

The Perisher Valley Precinct is located within the Perisher Valley Smiggin Holes Management Unit identified in the former Kosciuszko National Park Plan of Management (1982) and illustrated in the PSSMP in figure 5 below:



*Figure 5: Management Unit Map for the Perisher Ski Resort
(Source: PSSMP)*

Under the current Kosciuszko National Park Plan of Management (2006), all the resort precincts sit within the one Perisher Range Management Unit.

2.3 The Site

The subject site is located within the Front Valley area of the Perisher Ski Resort, The Village Eight Chairlift and Burramys Road, west of the Perisher Centre and below (south) of the Sundeck Hotel.

An aerial map is provided in figure 6 with the subject site highlighted.



Figure 6: Location of the subject site in context with the resort

The site is located between an altitude of 1721m [AHD] and 1760m [AHD] and located west of the Perisher Centre and Perisher Creek, as, shown in figure 7 below.

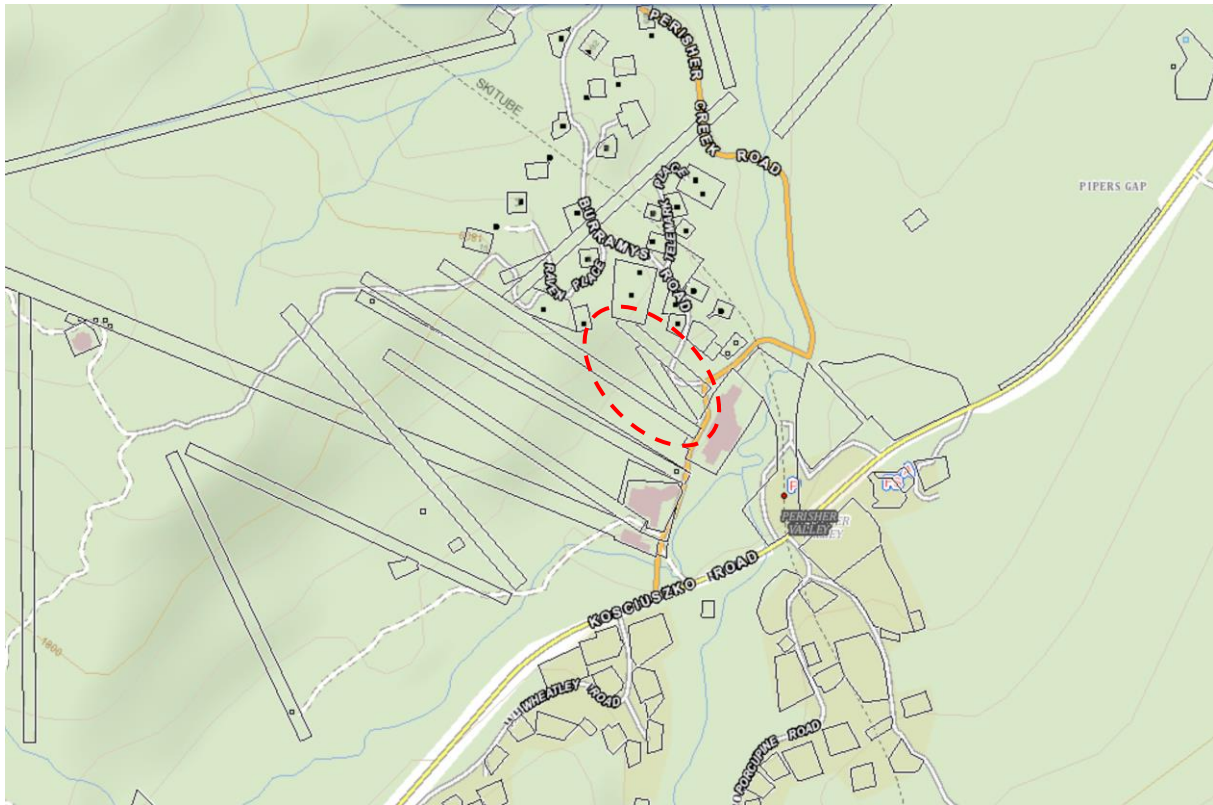


Figure 7: Topographic map of the subject site in context with the resort

An aerial map is provided in figure 8 below, however given the age of the aerial imagery publicly available, the area has been since modified.

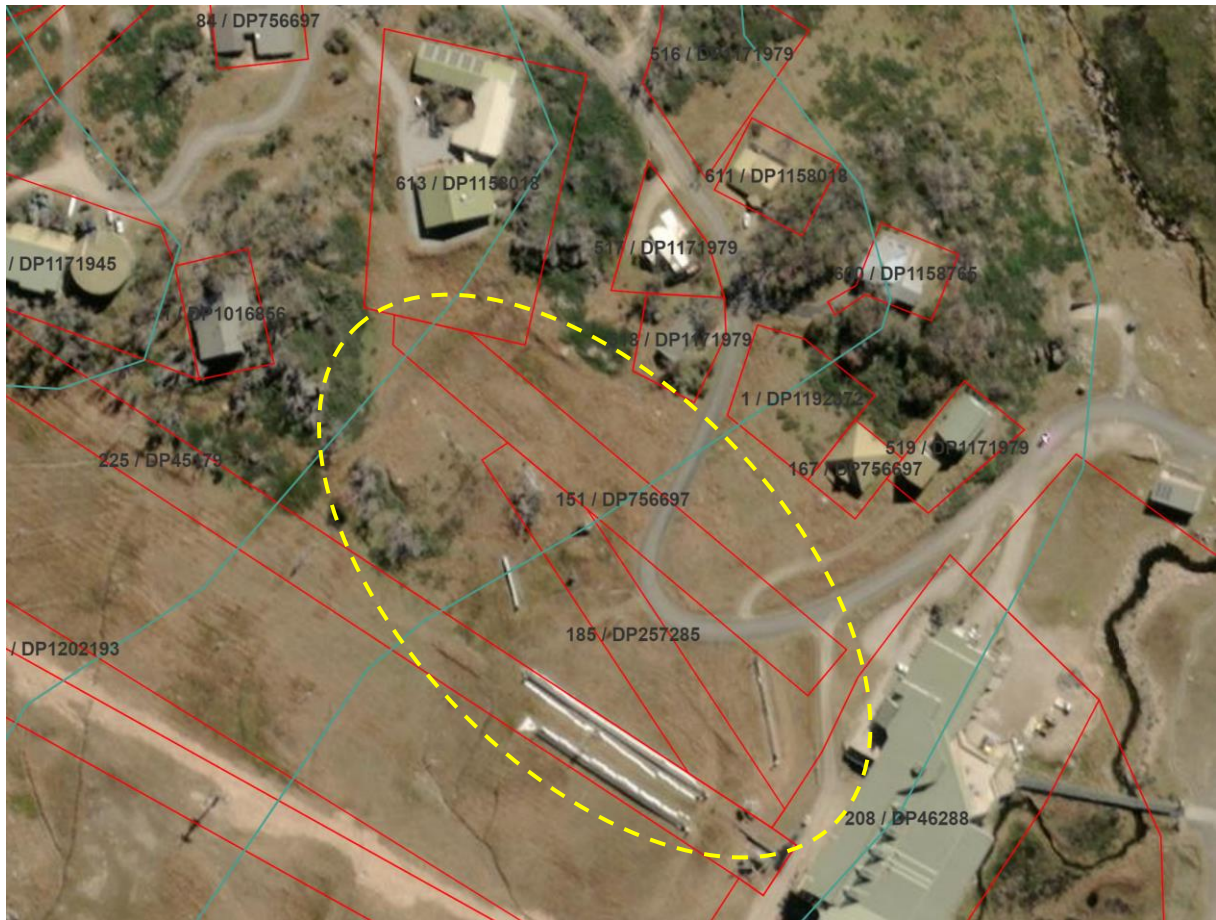


Figure 8: Aerial map of the site

An aerial drone survey was undertaken in part to produce a current aerial image with greater resolution and accuracy for the site and project, with an extract below.



Figure 9: Aerial drone image and survey of the site

Regarding the location of the site in context with the operations of the resort, the location of the Tom Thumb lift and associated children Snowsports learning area is provided in figure 10 below.



Figure 10: Perisher ski trail map with the Tom Thumb Learning Area identified

3. PROJECT DESCRIPTION

3.1 Project Components

Skier Conveyors:

The proposed development seeks to relocate and replace skier conveyors to allow for the current learning area to be expanded, creating more uphill lift capacity and more slope capacity for children's Snowsports school.

This will be achieved by relocating current skier conveyor #3 (see red area in figure 11 below) which is used by the general public and sits within the Front Valley ski area, to the south of the Mitchell T-bar, as shown in the aerial drone image below.

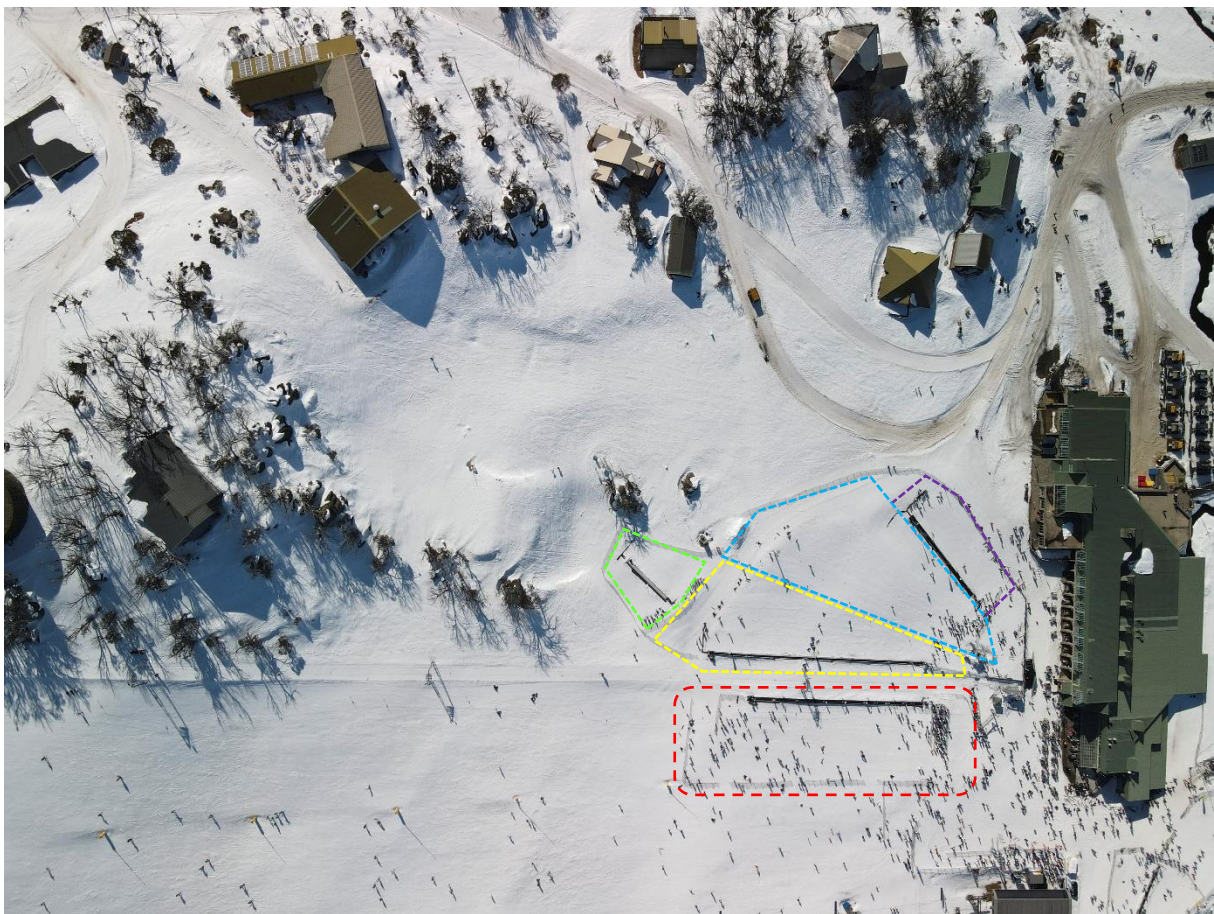


Figure 11: Aerial image of current lift arrangement

Skier Conveyor #3 will be relocated and used to form part of new Skier Conveyor #6.

A photo of the current Skier Conveyor #3 is provided below.



Figure 12: Skier Conveyor #3 will be relocated from the general Front Valley area

Skier Conveyor #4, currently used for children's Snowsports lessons, will be retained and dedicated for use by the general public (see yellow in figure 11 above). A photo of skier conveyor #4 is provided below.



Figure 13: Skier Conveyor #4 (left), Tom Thumb J-bar (middle) and Skier Conveyor #2 (right)

As this will be used by the general public, it will be fenced off in winter using portable ski-net fencing to separate the children's learning area from general public use.

To make way for new Skier Conveyor #5, the current Tom Thumb J-bar will be removed. The J-bar currently provides lift access to the area highlighted in blue above in figure 11 and is shown in the photo provided above in figure 13.

The proposed alignment of the new Skier Conveyor #5 is shown below.



Figure 14: Alignment of new Skier Conveyor #5

Current Skier Conveyor #2 [highlighted in purple in figure 11 above] will be removed and stored off site for use in future developments.

Current Skier Conveyor #1 [highlighted in green in figure 11 above] has already been approved to be relocated below the Village Eight chairlift under DA 22/4317. This will allow for a new covered skier conveyor #7 to be installed.



Figure 15: Current Skier Conveyor #1

New Ski Conveyor #7 will be located upslope of the current Skier Conveyor #1 and requires the aerial jump site to be modified by way of slopeworks to provide a gentler consistent gradient. The proposed alignment is shown below.



Figure 16: Proposed Skier Conveyor #7 alignment

Due to the proximity of this lift to the snowmaking on Front Valley and the tree and rock island to be retained to the west, the skier conveyor is proposed to be covered by a clear 'gallery', providing weather protection for guests and reducing the extent of snow clearing required for operational benefits. A typical photo of a Sun Kid gallery is provided below.



Figure 17: An example photo of a Sunkid Conveyor Gallery

Ski Conveyor #6 (relocated from Skier Conveyor #3) is proposed in the old halfpipe location, with its proposed alignment shown below. This has been designed to avoid the lease area associated with the Sundeck Hotel.



Figure 18: Proposed Skier Conveyor #6 alignment

Tree & Rock Removal:

As part of the relocation and installation of the skier conveyors and expansion of the learning area, two separate small tree and rock islands located at the top of new Skier Conveyor #5 are proposed to be removed as outlined in the DA plans, and shown in figure 19 below with supplementary photos provided in Appendix A.

The tree and rock islands can be accessed by Burrarmys Road and the disturbed ski slope and will be removed by way of traditional excavator removal and/or drill and blast method, with blasting mats used to control any flyrock. Any excess rock will be stored at the Smiggins stockpile site.



Figure 19: Tree and rock islands to be removed

Slopeworks:

To allow for expansion of the learning area and to provide a more consistent fall line for beginners to learn to ski and snowboard, slopeworks in the form of cut and fill is proposed across parts of the site, as shown in the DA plans provided.

The depressions to be filled will be undertaken by the earth to be excavated, with the majority of the works focused around the old aerial jump site, which was previously created and modified to provide a steep jump and landing for aerial skiing, no longer undertaken on the site.

This will allow for a more consistent gradient for both skiers and snowboarders to learn and for installation of Skier Conveyor #7.

These works have been designed to minimise impact on existing underground services, including the sewer mains that run through the site. The works will also allow for improved drainage with cross-drains connecting into the existing stormwater system.

Snowmaking:

Minor changes to the existing snowmaking system are required to accommodate Skier Conveyor #5, by relocating an existing manual hydrant and installation of a new retractable hydrant to provide improved coverage by way of mobile fan guns.

Snow Fence:

The existing skier traverse from the Sundeck Hotel to Front Valley (across Mitchell T-bar) will be retained as part of the winter operations. This will be defined by a new permanent snow fence that will also catch drifting snow. This will also help restrict the public access through the learning area together with temporary bunting erected on snow.



Figure 20: Existing traverse to be retained and defined by a permanent snow fence

Entry Staircase:

The existing entry staircase into the learning area will be modified by relocating the northern staircase and extending the platform. This will allow for two defined entrances into the area. The southern entrance for the general public accessing Skier Conveyor #4 and the northern entrance for the children's snowsports dedicated entrance.



Figure 21: Existing entrance staircase to be modified

Removal of Tom Thumb lift:

To make way for Skier Conveyor #5, the Tom Thumb J-bar lift and associated lift hut will be removed. This will require the bottom station and footing to be removed, the single tower and the top station and footing to be removed.

The entire lift can be directly removed from the previously disturbed ski slope and via the adjacent Burrarmys Road.

The components of the lift and structures that can be re-used and recycled such as the haul rope, bullwheels and pulleys will be stored.

Oversnow Access:

The existing oversnow vehicle access part the site will be maintained and fenced on snow using portable ski-net fencing as depicted below.



Figure 22: Oversnow vehicle access to be maintained and defined by a portable ski-net fence

3.2 General Construction

Construction Timeframe:

Pending budget and development approvals, the proposed works can be undertaken in stages, with construction aimed to commence in March 2023 and be completed by 30 May 2023 with the lifts to commence operations in June 2023.

Construction Access:

Construction access is provided by Burramys Road adjacent to the site, with access across the disturbed ski slope also achievable.

Construction Staging Areas:

One primary staging area and one secondary staging area are proposed to be used for the development.

The primary staging area where the bulk of the equipment to be removed and installed will be temporarily stored in the main Perisher car park, which has been previously used for staging for other projects including the Village Eight and Leichhardt chairlifts.

This area will be fenced off for storage of the lift components (e.g., existing lift components to be removed plus new lift top and bottom stations, towers, tower heads, sheave assemblies etc.). The existing road through the car park will not be obstructed to ensure that access through the car park to North Perisher is not restricted.

The secondary staging area is located within the previously disturbed parking area adjacent to the Perisher Centre (Hotel entrance). This is where temporary storage of materials and construction vehicle parking will be located.

This area has been identified by way of the construction footprint shown in the DA plans and addressed in the SEMP.

Waste Management:

Waste generated from the proposed development will principally comprise of the general construction waste (e.g., concrete form work, excess steel), domestic waste (e.g., litter) and parts of the existing lifts (e.g. concrete footings) which will not be re-used. Waste will be reused or recycled where possible.

Further waste management details are included in the SEMP.

4. KEY MATTERS FOR CONSIDERATION

4.1 Fauna and Flora

A fauna and flora assessment of the subject site was undertaken by Ryan Smithers, Senior Ecologist with Eco Logical Australia and included fieldwork undertaken in November 2022.

This assessment, provided in full in Appendix B, has determined that the proposal will affect only a very small area of already heavily modified vegetation and associated fauna habitats.

The proposal will not affect any potentially important fauna habitat resources and will affect only a very small amount of habitat in the context of the extent of similar habitats in the extensive areas of vegetation in the locality. The proposal will not result in any adverse impacts on habitat connectivity.

The assessment determined it is unlikely that the proposal will result in any substantial adverse impacts on the environment or have any significant effects on threatened species, endangered populations, ecological communities, or their habitats, listed under the NSW Biodiversity Conservation Act 2016 or the Commonwealth Environment Protection & Biodiversity Conservation Act 1999.

4.2 Aboriginal Cultural Heritage

The identification and mapping of known and potential area of Aboriginal cultural heritage values was undertaken by Navin Officer Heritage Consultants as part of the Perisher Range Resorts Environmental Study, undertaken in 2000 by Connell Wagner.

The study included a predictive model that mapped the zones of Archeological Sensitivity as provided below in figure 23.

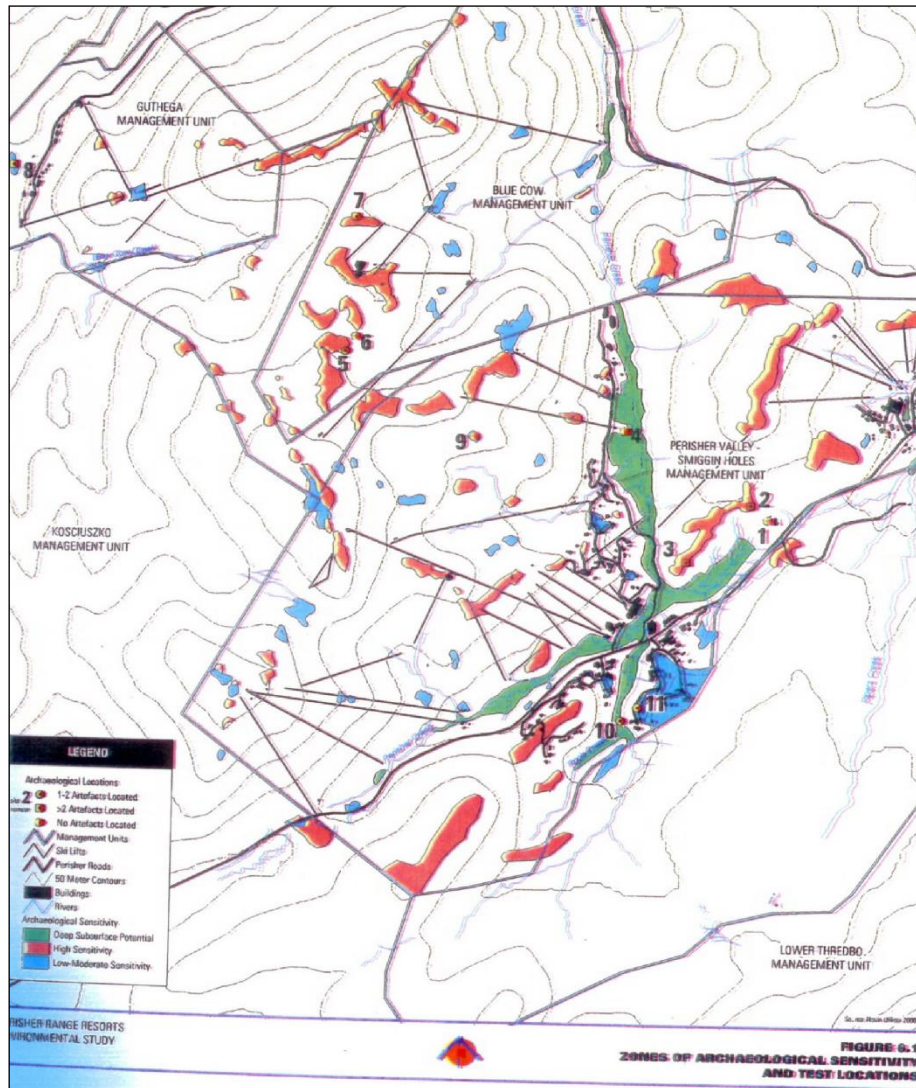
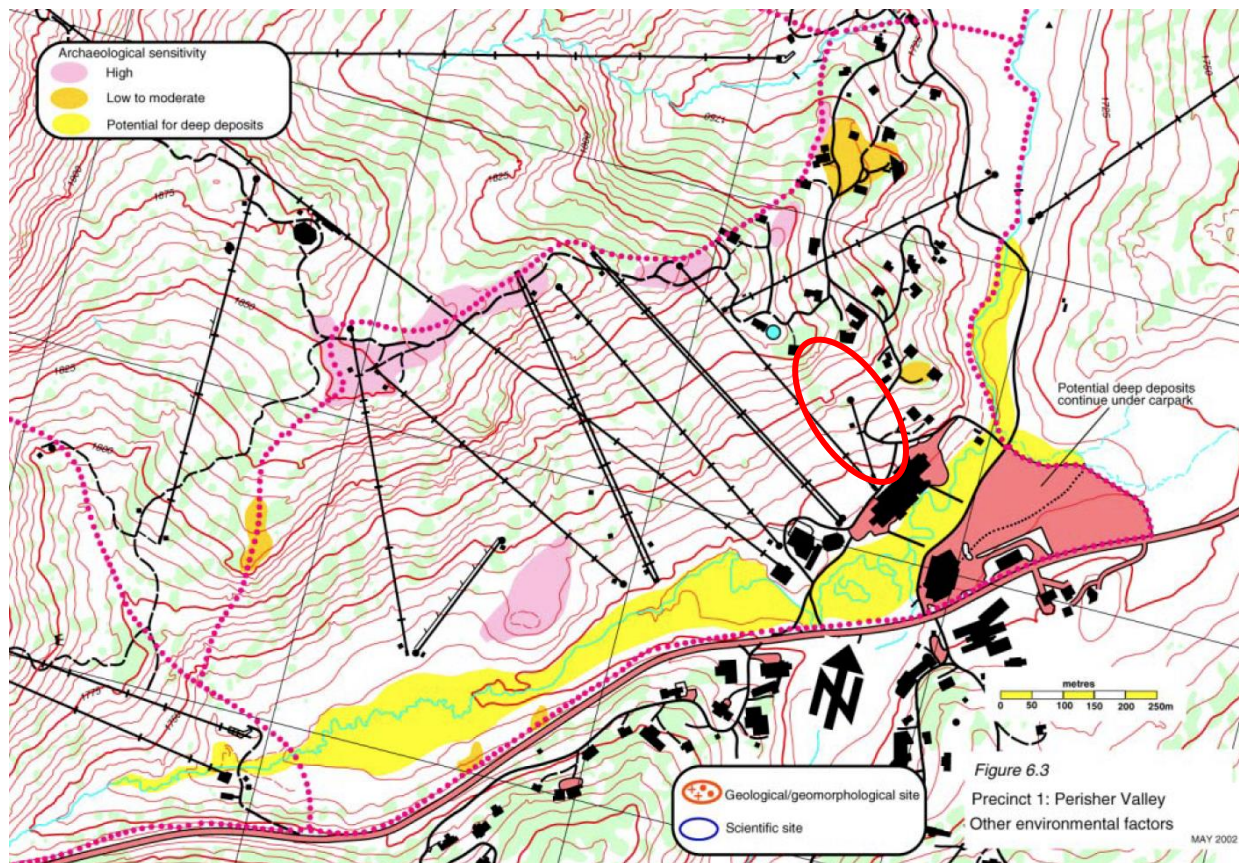


Figure 23: Zones of Archeological Sensitivity

[Source: Perisher Range Resorts Environmental Study, Connell Wagner, 2000]

Based on the above map, the proposed works are not located within any identified areas of low-moderate sensitivity, high sensitivity or deep subsurface potential as shown above. The below extract of the 'Other Environmental Factors Map' for the Perisher Valley Precinct as identified in the PSSMP provides a better scale and resolution. This map is based on the predictive model undertaken by Navin Officer for Connell Wagner.



*Figure 24: Other environmental factors map for the Perisher Valley Precinct
(Source: PSSMP)*

In regard to the Due Diligence Code of Practice, DECCW 2010, the generic due diligence process has been followed and documented below.

Step 1. Will the activity disturb the ground surface?

Comment:

The proposed development will result in disturbance of the ground surface.

Step 2. Step 2a. Search the AHIMS database and use any other sources of information of which you are already aware.

Comment:

This search has been undertaken and provided in Appendix C. The search has identified that no Aboriginal sites or places have been recorded within the subject site and buffer area.

Step 2b. Activities in areas where landscape features indicate the presence of Aboriginal objects?

Comment:

As discussed above, Navin Officer Heritage Consultants undertook an Aboriginal Cultural Heritage Study for the Perisher Range Resorts Area in 2000 that formed part of the Perisher Range Resorts Environmental Study (undertaken in 2000 by Connell Wagner).

This study included a predictive model based on the results from a program of subsurface testing across selected landform variables.

Based on this work, four zones of archeological sensitivity were identified, including areas of high archeological sensitivity, areas of low to moderate archeological sensitivity, areas with potential for deep subsurface archeological deposits and areas of no or negligible potential.

The requirement for further surface archeological survey was therefore determined to be low within landscape features that comprised of moderate to high slope gradients and areas of poorly drainage ground, as well as grassland and herbfields on treeless frost hollow floor or areas with predominant or closed heath vegetation.

In accordance with Step 2a of the Code, the Navin Officer 2000 study is a form of 'other sources of information', which is to be considered.

This study provides a much greater level of detail and certainty with regard to identifying specific landscape features within the Perisher Range Resorts that indicate the likely presence of Aboriginal objects (and includes mapping) than what is offered under the generic features listed under the code.

Accordingly, this study has been used to determine the appropriate site specific landscape features that indicate the likely existence of Aboriginal objects.

As the proposed works will be located outside of the areas identified as potential for either low to moderate archaeological sensitivity or high archaeological sensitivity, further archaeological assessment is therefore not warranted.

Therefore, after completing steps 2a and 2b, it is reasonable to conclude that there are no known Aboriginal objects or a low probability of objects occurring in the area of the proposed activity, the development can therefore proceed with caution without applying for an AHIP.

This fulfils all reasonable steps in undertaking a due diligence assessment.

In the unlikely event that Aboriginal items are uncovered during excavation, all work shall cease at that location and the relevant authorities shall be notified.

4.3 Geotechnical Engineering

A Geotechnical Risk Assessment of the proposed development has been undertaken. The report was prepared in accordance with the requirements of the Department of Planning Geotechnical Policy for Kosciuszko Alpine Resorts (2003) and the Australian Geomechanics Society *'Practice Note Guidelines for Landslide Risk Management'*.

The report including the Form 4 is provided in full with the DA separately.

5. ENVIRONMENTAL AND PLANNING LEGISLATION

5.1 NSW Environmental Planning and Assessment Act, 1979

5.1.1 Section 4.15 EP&A Act, 1979 – Matters for Consideration

SECTION 4.15(1)(a)(i) – ENVIRONMENTAL PLANNING INSTRUMENTS

The only applicable Environmental Planning Instrument to the proposed development and site is State Environmental Planning Policy (Precincts – Regional) 2021 (SEPP Regional Precincts 2021). The relevant clauses contained within SEPP Regional Precincts and Chapter 4 Kosciuszko National Park and alpine resorts are addressed below:

Section 4.9 - Land Use Table:

The land use table for the Perisher Range Alpine Resort specifies that 'Lifting facilities' and 'Ski slopes' are land uses permitted with consent. The proposed development is for the purpose relocating and installing skier conveyors with associated works and therefore the development is permissible with consent.

Section 4.12 - Matters for consideration:

Matter for Consideration	Response
S.4.12 (1) In determining a development application that relates to land to which this Chapter applies, the consent authority must take into consideration any of the following matters that are of relevance to the proposed development—	
(a) the aim and objectives of this Chapter, as set out in section 4.1,	<p><i>The proposed development is considered to be consistent with the aims and objectives of the Policy as the development will provide improved ski lifting infrastructure with environmental impacts having been minimised.</i></p> <p><i>These impacts will be further mitigated through the implementation of the Site Environmental Management Plan.</i></p> <p><i>The proposed development is expected to generate positive social and economic impacts.</i></p>
(b) the extent to which the development will achieve an appropriate balance between the conservation of the natural environment and any measures to mitigate environmental hazards (including geotechnical hazards, bush fires and flooding),	<p><i>The proposed development does not require any measures to mitigate environmental hazards that would impact on the conservation of the natural environment.</i></p>

<p>(c) having regard to the nature and scale of the development proposed, the impacts of the development (including the cumulative impacts of development) on the following—</p> <ul style="list-style-type: none"> (i) the capacity of existing transport to cater for peak days and the suitability of access to the alpine resorts to accommodate the development, (ii) the capacity of the reticulated effluent management system of the land to which this Chapter applies to cater for peak loads generated by the development, (iii) the capacity of existing waste disposal facilities or transfer facilities to cater for peak loads generated by the development, (iv) the capacity of any existing water supply to cater for peak loads generated by the development, 	<p><i>The proposed expanded and upgraded learning area is not intended to create additional peak demand that is greater than peak demand created by favourable snow and weather events that occur from time to time.</i></p> <p><i>The development will result in a marginal increase in uphill lift capacity with increased slope capacity, however the development is not intended to increase the peak capacity of the resort, nor is it likely to.</i></p> <p><i>The peak visitation capacity of the resort is generally governed by three factors. These being the capacity of resort day car parking, the number of beds in the resort and the capacity of the Skitube for day visitors. The development will not lead to capacity issues having regard to any of these factors with resort uphill lift capacity only increasing by a very small margin.</i></p> <p><i>As such the development is unlikely to impact the capacity of existing transport to cater for peak days.</i></p>
<p>(d) any statement of environmental effects required to accompany the development application for the development,</p>	<p><i>This Statement of Environmental Effects satisfies this sub-clause.</i></p>
<p>(e) if the consent authority is of the opinion that the development would significantly alter the character of the alpine resort—an analysis of the existing character of the site and immediate surroundings to assist in understanding how the development will relate to the alpine resort,</p>	<p><i>The proposed expansion and upgrade of the learning area is over an area previously used for aerial jumps and a halfpipe within a ski resort.</i></p> <p><i>The proposed expanded learning area with additional skier conveyors will be situated amongst other ski resort related infrastructure including ski runs, ski lifts and buildings.</i></p> <p><i>The proposed development would therefore not significantly alter the character of the alpine resort.</i></p>
<p>(f) the Geotechnical Policy—Kosciuszko Alpine Resorts (2003, Department of Infrastructure, Planning and Natural Resources) and any measures proposed to address any geotechnical issues arising in relation to the development</p>	<p><i>A Form 4 Certificate has been prepared by a Geotech Engineer and will be provided separately with the DA.</i></p>

<p>(g) if earthworks or excavation works are proposed—any sedimentation and erosion control measures proposed to mitigate any adverse impacts associated with those works,</p>	<p><i>Excavation works are required for the development. Sedimentation and erosion control measures as outlined in the SEMP provided separately, will mitigate any adverse impacts associated with such works.</i></p>
<p>(h) if stormwater drainage works are proposed—any measures proposed to mitigate any adverse impacts associated with those works,</p>	<p><i>The proposed slopeworks require some minor modification to the slope drainage, which will connect into the existing stormwater drainage system.</i></p>
<p>(i) any visual impact of the proposed development, particularly when viewed from the Main Range,</p>	<p><i>The visual impacts associated with the upgrade and expansion of a highly disturbed ski slope already partly used with skier conveyors and the former aerial jump site and halfpipe is considered minimal.</i></p> <p><i>The development is not visible from the main range due to its location.</i></p>
<p>(j) the extent to which the development may be connected with a significant increase in activities, outside of the ski season, in the alpine resort in which the development is proposed to be carried out,</p>	<p><i>The proposed upgraded and expanded learning area is only intended to be utilised during the ski season and will therefore, not increase activities outside of the ski season.</i></p> <p><i>The existing Burramys Road (operable in summer) will be retained and not impeded by the proposed development.</i></p>
<p>(k) if the development involves the installation of ski lifting facilities and a development control plan does not apply to the alpine resort:</p> <p>(i) the capacity of existing infrastructure facilities, and</p> <p>(ii) any adverse impact of the development on access to, from or in the alpine resort,</p>	<p><i>The capacity of existing infrastructure has been generally addressed above.</i></p> <p><i>There are no known likely impacts of the development on access to, or from or in the alpine resort.</i></p> <p><i>Existing oversnow vehicle access past the site will be maintained.</i></p>

<p>(l) if the development is proposed to be carried out in Perisher Range Alpine Resort:</p> <p>(i) the document entitled Perisher Range Resorts Master Plan, as current at the commencement of this Policy, that is deposited in the head office of the Department, and</p> <p>(ii) the document entitled Perisher Blue Ski Resort Ski Slope Master Plan, as current at the commencement of this Policy, that is deposited in the head office of the Department,</p>	<p><i>The Perisher Blue Ski Resort Ski Slope Master Plan (PSSMP) applies to the site and proposed development.</i></p> <p><i>As discussed, the proposed development is generally consistent with the PSSMP as it will result in increased lift and slope capacity; improved ease of use, improved performance, modernisation of infrastructure and improved visitor experiences.</i></p>
<p>(m) if the development is proposed to be carried out on land in a riparian corridor:</p> <p>(i) the long term management goals for riparian land, and</p> <p>(ii) whether measures should be adopted in the carrying out of the development to assist in meeting those goals.</p>	<p><i>The proposed development does not include any works within 40m of Perisher Creek, and therefore will not impact upon its riparian corridor.</i></p>
<p>(2) The long term management goals for riparian land are as follows:</p>	
<p>(a) to maximise the protection of terrestrial and aquatic habitats of native flora and native fauna and ensure the provision of linkages, where possible, between such habitats on that land.</p>	<p><i>Not applicable.</i></p>
<p>(b) to ensure that the integrity of areas of conservation value and terrestrial and aquatic habitats of native flora and native fauna is maintained,</p>	
<p>(c) to minimise soil erosion and enhance the stability of the banks of watercourses where the banks have been degraded, the watercourses have been channelised, pipes have been laid and the like has occurred.</p>	
<p>(3) A reference in this clause to land in a riparian corridor is a reference to land identified as being in such a corridor on a map referred to in section 4.4.</p>	

SECTION 4.15(1)(a)(ii) – DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS

There are no draft Environmental Planning Instruments that are applicable to the site or proposed development.

SECTION 4.15(1)(a)(iii) – DEVELOPMENT CONTROL PLANS

There are no Development Control Plans applicable to the Kosciuszko Alpine Resorts under SEPP Regional Precincts 2021.

SECTION 4.15(1)(a)(iiia) – PLANNING AGREEMENTS

There are no Planning Agreements applicable to the SEPP Regional Precincts 2021.

SECTION 4.15(1)(a)(iv) – REGULATIONS

The development application has been made in accordance with the requirements contained in the Environmental Planning and Assessment Regulations 2021.

In accordance with Clause 36(2) of the same regulations, a consent authority may not request additional information in relation to building work if the information is required to accompany an application for a construction certificate.

This is to ensure that the consent authority does not oblige the applicant to provide construction details up-front where the applicant may prefer to test the waters first and delay applying for a construction certificate until, or if, development consent is granted.

SECTION 4.15(1)(a)(v) – COASTAL MANAGEMENT ZONE

The proposed development and site is not located within any coastal zone management plan [within the meaning of the Coastal Protection Act, 1979].

SECTION 4.15(1)(b) – LIKELY IMPACTS

Natural Environment:

Impacts on the natural environment have been considered as part of a fauna and flora assessment undertaken and provided in Appendix B.

This assessment determined that the proposal would have minimal impacts on the natural environment, given the size and location of the works and the mitigation measures proposed.

Built Environment:

The impacts on the built environment are expected to be minimal as the proposal is for the upgrade and expansion of an existing learning area within a ski resort.

Social and Economic impacts in the locality:

The social and economic impacts from the development are expected to be positive as the development will result in an expansion and upgrade to the lifting infrastructure and associated works provided for learning, providing an improved guest experience.

Furthermore, the construction and employment generated will add to the overall positive economic impacts generated by the development with construction jobs being created.

SECTION 4.15(1)(c) – SUITABILITY OF THE SITE

The site was previously used in part for an aerial jump site and halfpipe and this will make way for an expanded learning area.

The subject site is therefore considered suitable for the proposed development.

SECTION 4.15(1)(d) – SUBMISSIONS

The proposed development does not involve the installation of a permanent lift line, only temporary skier conveyors, however the works are located within 50m from the closest tourist accommodation building and therefore are to be publicly notified for 14 days under the Departments Community Participation Plan, 2019.

Any submissions associated with this notification is required to be considered by the consent authority.

SECTION 4.15(1)(e) – THE PUBLIC INTEREST

The above assessment has demonstrated that the proposal satisfies the objectives and relevant clauses prescribed under SEPP Regional Precincts 2021.

Consequently, the proposed development is considered to be within the public interest.

5.2 NSW National Parks and Wildlife Act, 1974

The NSW National Parks and Wildlife Act, 1974 (NPW Act, 1974) governs the establishment, preservation and management of national parks, historic sites and certain other areas. The NPW Act also provides the basis for the legal protection of Aboriginal sites within NSW.

As detailed in Section 5 of the SEE, the proposed development will result in acceptable impacts, which will ensure the development is consistent with the provisions of the NPW Act, 1974.

5.3 NSW Biodiversity Conservation Act, 2016

The Biodiversity Conservation Act 2016 and Local Land Services Amendment Act 2016 together with the Biodiversity Conservation Regulations 2017 were enacted on the 25 August 2017 and came into effect on the 25 February 2018.

A review of the subject site in relation to the Biodiversity Values Map shows that the site is not mapped as comprising high biodiversity value, see below.



Figure 25: Biodiversity Values Map

Regarding the clearing threshold, the site is located within a National Park and is zoned E1 – National Park under the Snowy River Local Environmental Plan, 2013 (SR LEP, 2013).

Consequently, the site does not have a minimum lot size, under the SR LEP 2013.

Therefore, the clearing threshold is predicated on the lot size of the subject site.

The subject site includes a mix of lease areas with associated Lot and DP's and areas with no Lots and DP's. The proposed tree and rock removal works are mostly located within Lot 185 and DP 257285 which is approximately 2770m² in size.

The clearing threshold for a lot less than 1ha is 2500m² of clearing of native vegetation without having to undertake a Biodiversity Assessment Method (BAM) assessment and therefore triggering the Biodiversity Offsets Scheme (BOS).

The proposed clearing associated with the trees and rock islands is 150m².

Therefore, the BOS is not triggered under the clearing threshold provisions.

As addressed above in Section 4.1 above, the fauna and flora assessment provided in Appendix B has concluded that it is unlikely that the proposal will result in any substantial adverse impacts on the environment or have any significant effects on threatened species, endangered populations, ecological communities, or their habitats, listed under the NSW Biodiversity Conservation Act 2016 or the Commonwealth Environment Protection & Biodiversity Conservation Act 1999.

5.4 Commonwealth Environment Protection and Biodiversity Conservation Act, 1999

The Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act, 1999) provides for the protection of the environment, especially matters of national environmental significance (NES). Under the EPBC Act, 1999 a person must not take an action that has, will have, or is likely to have a significant impact on any of the matters of NES without approval from the Australian Government Environment Minister or the Minister's delegate.

A referral must be made for actions that are likely to have a significant impact on the following matters protected by Part 3 of the EPBC Act, 1999:

- World Heritage properties (sections 12 and 15A)
- National Heritage places (sections 15B and 15C)
- Wetlands of international importance (sections 16 and 17B)
- Listed threatened species and communities (sections 18 and 18A)
- Listed migratory species (sections 20 and 20A)
- Protection of the environment from nuclear actions (sections 21 and 22A)
- Commonwealth marine environment (sections 23 and 24A)
- Great Barrier Reef Marine Park (sections 24B and 24C)
- The environment, if the action involves Commonwealth land (sections 26 and 27A), including:
 - actions that are likely to have a significant impact on the environment of Commonwealth land (even if taken outside Commonwealth land);
 - actions taken on Commonwealth land that may have a significant impact on the environment generally;
- The environment, if the action is taken by the Commonwealth (section 28)
- Commonwealth Heritage places outside the Australian jurisdiction (sections 27B and 27C)

A search of the matters of national environmental significance database for Perisher was undertaken and identified that two of the above matters are relevant to the proposed development as addressed below.

National Heritage Listing

Under the EPBC Act, 1999, the 'Australian Alps National Parks and Reserves – Kosciuszko National Park' was included on the National Heritage List on the 7 November 2008. The Alps were listed for their outstanding natural and cultural heritage significance to the nation.

Under the EPBC Act, 1999 a referral must be made for actions that are likely to have a significant impact on a National Heritage Place, such as the Australian Alps.

To determine whether an action is likely to have a significant impact, the significant impact criteria provided in the Commonwealth Department of Environment and Heritage 'EPBC Act

Policy Statement 1.1: Significant Impact Guidelines for Matters of National Environmental Significance, May 2006' applies.

The Guidelines state that an action is likely to have a significant impact on the National Heritage values of a National Heritage place if there is a real chance or possibility that it will cause:

- one or more of the National Heritage values to be lost;
- one or more of the National Heritage values to be degraded or damaged; or
- one or more of the National Heritage values to be notably altered, modified, obscured or diminished.

An assessment of impact against the National Heritage List Criteria and the National Heritage values of the Australian Alps has been undertaken and provided in the following table below:

National Heritage Assessment Table

Criterion	Impact on Values
(a) the place has outstanding heritage value to the nation because of the place's importance in the course, or pattern, of Australia's natural or cultural history	<p><i>The Australian Alps National Parks (AANP) is listed under this criterion for its glacial and periglacial features; fossils; karst areas; biological heritage; moth feasting; transhumant grazing; scientific research; water harvesting; and recreation.</i></p> <p><i>The proposed development would not conflict with any of the above values of the AANP.</i></p> <p><i>Importantly, the proposed development would enhance one of key values in regard to recreation, which is described below:</i></p> <p><i>'The AANP has outstanding heritage value for the longevity and diversity of its recreational use. Snow sports commenced in Kiandra in 1861 with the establishment of the Kiandra Snowshoe Club and expanded from an ad hoc activity by enthusiasts to a multi-million dollar snow sport and tourism industry characterised by the groomed ski slopes, ski lift infrastructure and substantial village resorts'.</i></p> <p><i>The proposed development will enhance the ski slope and infrastructure within the resort and represents a direct improvement to the visitor experience to the resort, whilst representing an economic investment in the resort and industry.</i></p>

<p>(b) the place has outstanding heritage value to the nation because of the place's possession of uncommon, rare or endangered aspects of Australia's natural or cultural history</p>	<p><i>The Australian Alps is listed under this criterion for its landscape and topography; glacial and periglacial features; fossils; alpine and sub-alpine systems; and eucalypt flora communities.</i></p> <p><i>The proposed development would generate minimal impacts on the overall landscape of the Australian Alps and would not conflict with any of the above heritage values.</i></p>
<p>(c) the place has outstanding heritage value to the nation because of the place's potential to yield information that will contribute to an understanding of Australia's natural or cultural history</p>	<p><i>Not Applicable.</i></p>
<p>(d) the place has outstanding heritage value to the nation because of the place's importance in demonstrating the principal characteristics of: (i) a class of Australia's natural or cultural places, or (ii) a class of Australia's natural or cultural environments</p>	<p><i>The Australian Alps are listed for the North-East Kosciuszko Landscape values.</i></p> <p><i>The subject site is located within the Perisher Ski Resort and is not located within the North-Eastern area of Kosciuszko National Park.</i></p>
<p>(e) the place has outstanding heritage value to the nation because of the place's importance in exhibiting particular aesthetic characteristics valued by a community or cultural group</p>	<p><i>The Australian Alps are listed under this criterion for their powerful, spectacular and distinctive landscape that is highly valued by the community.</i></p> <p><i>These aesthetic characteristics include the KNP main range for its mountain vistas, panoramas, snow covered crests, slopes and valleys, alpine streams and rivers and lakes.</i></p> <p><i>The proposed development would not directly impact on any of these heritage values.</i></p>
<p>(f) the place has outstanding heritage value to the nation because of the place's importance in demonstrating a high degree of creative or technical achievement at a particular period</p>	<p><i>Not Applicable.</i></p>

<p>g) the place has outstanding heritage value to the nation because of the place's strong or special association with a particular community or cultural group for social, cultural or spiritual reasons</p>	<p><i>The Australian Alps have a special association with the Australian community because of their unique landscapes, the possibility of experiencing remoteness and as the only opportunity for broad-scale snow recreation in Australia. The AANP is widely recognised by Australians as the 'high country' and many community groups have a special association with the AANP for social and cultural reasons.</i></p> <p><i>The proposed development will result in an expanded and upgraded learning area within a ski resort and therefore would not impact on the above values.</i></p>
<p>(h) the place has outstanding heritage value to the nation because of the place's special association with the life or works of a person, or group of persons, of importance in Australia's natural or cultural history</p>	<p><i>The place is listed under this criterion for its association with the life or works of prominent people such as Baron Ferdinand Von Mueller, Eugen Von Guerard, writers 'Banjo' Patterson, Elyne Mitchell and David Campbell.</i></p> <p><i>The proposed development would not have any impact on the life or works of people with importance to the AANP.</i></p>
<p>(i) the place has outstanding heritage value to the nation because of the place's importance as part of Indigenous tradition.</p>	<p><i>Not Applicable.</i></p>

The above assessment has concluded that the proposed development will not have a significant impact on the values of the Australian Alps National Park.

Listed threatened species and communities:

An assessment of the impact of the proposed development on all listed threatened species and communities has been undertaken and provided in the Biodiversity Development Assessment Report in Appendix B.

The assessment has concluded that the proposal is unlikely to have a significant impact on matters of National Environmental Significance or Commonwealth land, and a referral to the Commonwealth Environment Minister is not necessary.

6. CONCLUSION

The proposed redevelopment of the Tom Thumb Learning Area will result in an upgrade and expansion of the Perisher Ski Resort's premier Perisher precinct learning area for children as part of ski and snowboard lessons offered.

The site when completed, will accommodate four (4) skier conveyors and roughly double the area of the learning area with an increase in skier capacity.

To accommodate the relocated and new skier conveyors and provide a consistent gentle slope for beginners and children, slope works including cut and fill associated with the existing aerial jump is proposed.

Other associated works include some minor changes to the snowmaking system, modification to the entry stairway and signage and installation of a snow fence.

The site is mostly highly modified and disturbed. Only a couple of small tree and rock islands are proposed to be removed that will result in a minor impact on native vegetation.

To ensure that all the environmental and associated legislation is complied with and fulfilled, the proposed development has been considered with regard Section 4.15 of the NSW Environmental Planning and Assessment Act, 1979, NSW Biodiversity Conservation Act, 2016, Commonwealth Biodiversity Conservation Act, 1999, and SEPP Regional Precincts, 2021.

The proposal has been found to be consistent with the above legislation and relevant Environmental Planning Instrument, as detailed in this SEE.

Overall, the development would represent additional capital investment into the resort by allowing for the expansion and upgrade of the learning area for children as well as a relocated conveyor for the public, designed to minimise impacts on the environment whilst improving the guest experience and operational outcomes for the resort.

APPENDIX A

PHOTOGRAPHS



Figure 1: Existing skier conveyor #3 to be relocated, to open up the lower slopes of Front Valley



Figure 2: Existing skier conveyor #4 (left) to be retained and to be used by the general public; Tom Thumb J-bar (centre) to be removed

Figure 3: Skier conveyor #2 to be removed and placed in storage



Figure 4: View uphill along the proposed skier conveyor #5 alignment





Figure 5: Edge of the area with the Burramys Road to be retained



Figure 6: Alignment of skier conveyor #5 looking uphill



Figure 7: Existing lift hut to be removed



Figure 8: Tree and rock island on right to be removed, hydrant to be relocated



Figure 9: Top of skier conveyor #5, with tree and rock island to be removed



Figure 10: Tree and rock island to be removed



*Figure 11: Skier conveyor #1
to be relocated*



*Figure 12: Tom Thumb J-bar
to be removed*



Figure 13: View uphill of skier conveyor #6



Figure 14: Aerial jump mound to be re-profiled by way of slopeworks



Figure 15: View downhill of skier conveyor #6



Figure 16: Ski traverse from Sundeck across to Front Valley to be retained and defined by snow fence to be installed



Figure 17: Trees and rocks to be retained (adjacent to Mitchell T-bar)



Figure 18: Area below the aerial jump to be filled in to make way for skier conveyor #7



Figure 19: Area below the aerial jump to be filled in with soil won from aerial jump mound to be excavated



Figure 20: Trees and rocks to be retained (adjacent to Mitchell T-bar)



Figure 21: Trees, rocks and heath to be retained (adjacent to Mitchell T-bar)



Figure 22: Trees and rocks to be retained (adjacent to Mitchell T-bar)



Figure 23: Platform and northern staircase to be extended and relocated



Figure 24: Southern staircase to be retained



*Figure 25: Northern staircase
to be relocated by way of
extended platform*

APPENDIX B

FAUNA AND FLORA REPORT

Date: 7 February 2023

Our ref: 22HNC-3892

Perisher Blue Pty Limited
Perisher Centre
PO Box 42
Perisher Valley NSW 2624

Attention: Andrew Kennedy

Dear Andrew,

Tom Thumb Learning Area – Perisher Ski Resort

As requested, find below an assessment of the potential impacts on flora and fauna of the proposed Tom Thumb Learning Area, in the Front Valley area of Perisher Ski Resort. The proposed development was inspected on 24 November 2022.

Proposal Description

The proposal comprises the enlargement of the Tom Thumb Learning Area and expansion of the dedicated ski school area by removing the Tom Thumb J-bar, relocating three skier conveyors, and installing a new covered skier conveyor. When completed, the site will accommodate four skier conveyors and double the learning area and associated skier capacity.

Works associated with the proposal include:

- Slope works, drainage and cut and fill associated with the existing aerial jump area.
- Minor changes to the existing snowmaking system.
- Modification to the entry stairway and signage.
- The installation of a new snow fence.

The proposal is described further in Figure 1 and Photos 1 and 2.

The development footprint is highly modified in association with historic slope grooming and other impacts. Impacts on native vegetation will primarily be limited to the removal of the trees, rocks and vegetation within two small tree islands, as shown in Figure 1. There will also be some impacts on historic shrub plantings on the aerial jump area.

Assessment Process

The proposal will not trigger the Biodiversity Offsets Scheme (BOS), as it will not affect any land identified on the Biodiversity Values map, as shown in Figure 2, and the total clearing of native vegetation associated with the proposal will not exceed the 1 ha threshold which applies to the Perisher Resort Area.

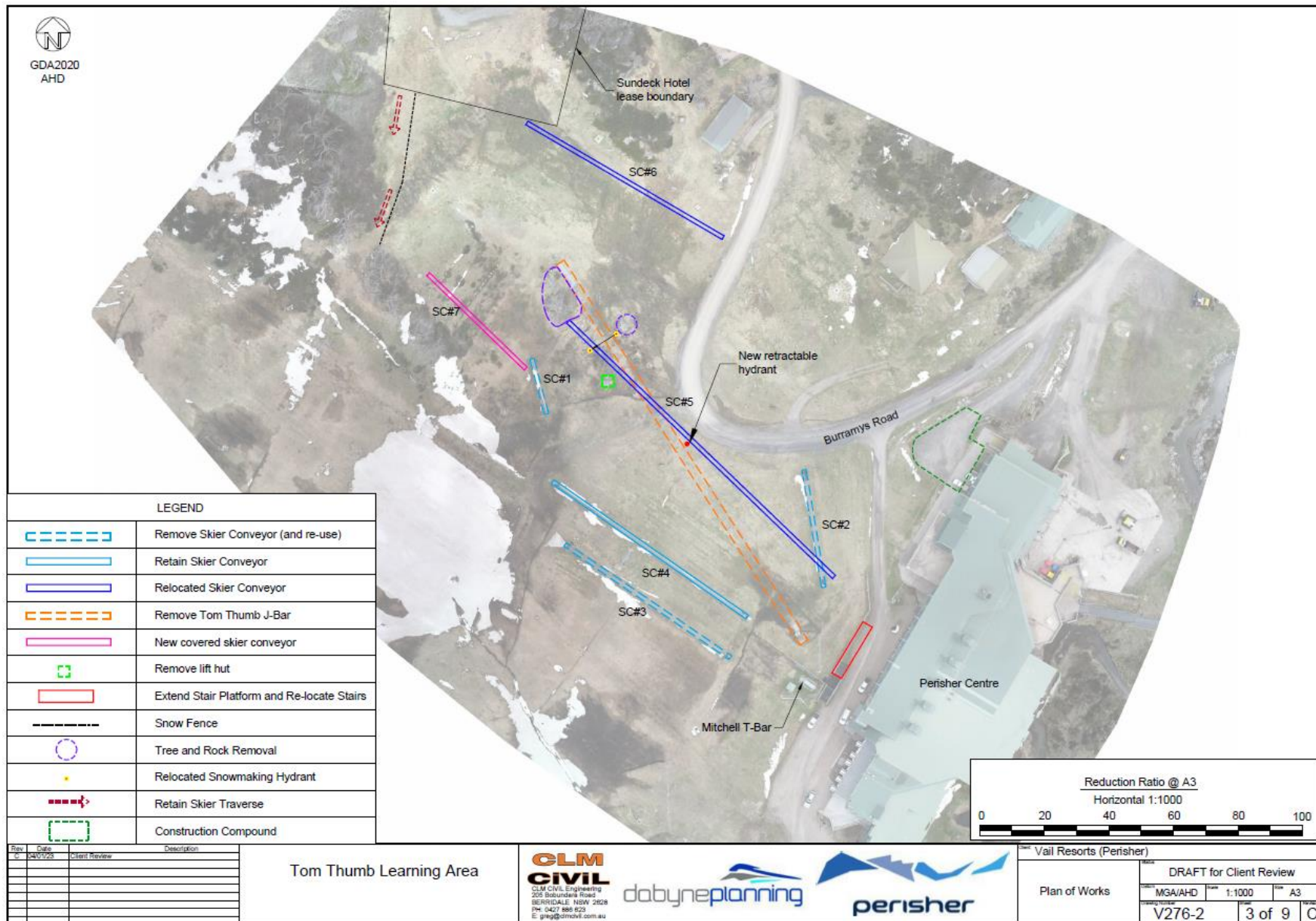


Figure 1: The proposal

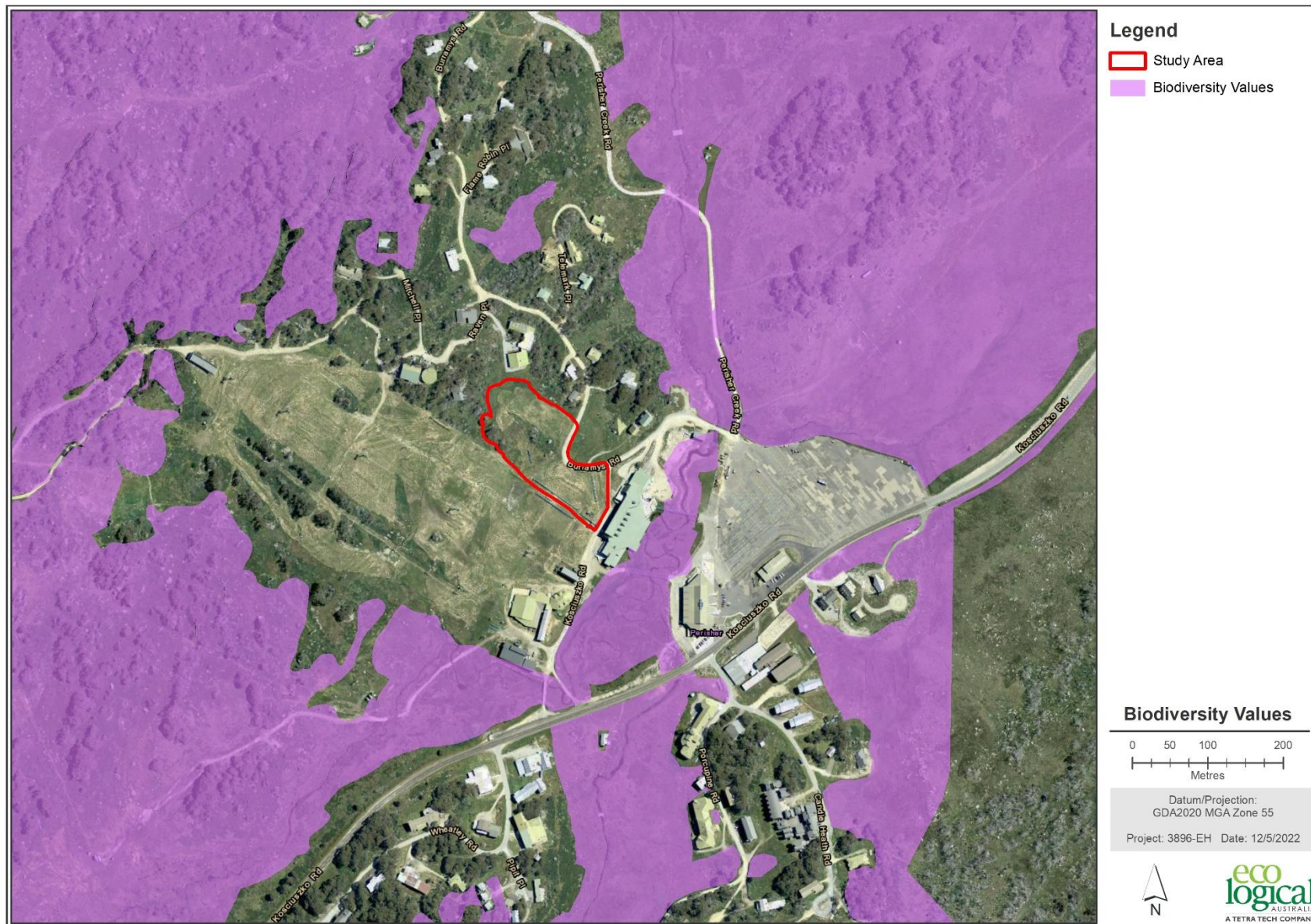


Figure 2: Proposal in relation to Biodiversity Values mapping.



Photo 1: Looking across the study area showing the exotic grassland that dominates it.



Photo 2: The tree islands to be removed and the existing aerial jump which will be removed and used as fill to create a consistent gentle slope throughout the expanded Learning Area.

Vegetation to be affected

The development site and immediate surrounds are heavily modified as a result of historic disturbances, as shown in Photos 1-3. The tree islands to be removed comprise disturbed remnants of Plant Community Type (PCT) 645 *Alpine Snow Gum shrubby open woodland at high altitudes in Kosciuszko NP, Australian Alps Bioregion*. They are characterised by a few dieback affected *Eucalyptus niphophila* (Snow Gum) trees above a patchy cover of shrubs such as *Prostanthera cuneata* (Alpine Mint Bush), *Nematolepis ovatifolia*, *Ozothamnus secundiflorus* (Cascade Everlasting), *Olearia phlogopappa* (Dusty Daisy-bush), *Orites lancifolius* (Alpine Orites), and *Hovea montana* (Alpine Hovea). The groundcover is a mix of weeds and common natives such as, *Poa fawcettiae* (Smooth Blue Snowgrass), *Geranium potentilloides* var. *potentilloides* and *Polystichum proliferum*.

There are some very small highly disturbed wet areas within the study area that includes include weeds and a few individuals of hardy native species such as *Sphagnum* sp., *Carex gaudichaudiana*, *Baeckea gunniana*, *Richea continentis* (Candle Heath), *Oreobolus distichus* and *Juncus effusus*, as shown in Photo 5. The remainder of the development supports an exotic grassland dominated by exotic grasses such as *Agrostis capillaris* (Browntop Bent), exotic Fescues (*Festuca* sp.), and a range of exotic herbs, such as *Hypochaeris radicata* (Flatweed), *Acetosella vulgaris* (Sheep Sorrel), *Juncus effusus* and *Achillea millefolium* (Yarrow).

The extent of native vegetation communities within the study area is identified in Figure 3.

Endangered Ecological Communities

The small highly disturbed wet areas within the study area are not considered to comprise:

- 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 EEC (hereafter referred to as the Montane Peatland and Swamps) which is listed under the *NSW Biodiversity Conservation Act 2016* (BC Act); or
- the Alpine Sphagnum Bogs and Associated Fens EEC (hereafter referred to as the Alpine Sphagnum Bogs and Associated Fens) which is listed on the Commonwealth *Environment Protection & Biodiversity Conservation Act 1999* (EPBC Act).

Whilst these EECs are extensive in association with Perisher Creek and other areas surrounding Front Valley, the vegetation within the study area has been so heavily disturbed as to no longer be considered to comprise either of the abovementioned EECs. For this reason, the development site, and surrounding areas of heavily modified vegetation, have been excluded from the Biodiversity Values map.

Flora species of conservation significance

The proposal will not result in any impacts on threatened flora species or other flora species of conservation significance. Two threatened flora species, *Rytidosperma vickeryae* (Perisher Wallaby Grass) and *Ranunculus anemoneus* (Anemone Buttercup), occur nearby. The development site and immediate surrounds were searched for threatened flora known from the locality, and none were detected.

Fauna habitats

The small amount of vegetation and rock habitats to be affected by the proposal does not support any fauna habitats that aren't widely available in the extensive areas of vegetation surrounding Front Valley.

Given the isolation of the tree islands to be affected from surrounding habitats, it is considered highly unlikely that they would provide important habitat for threatened reptiles such as *Liopholis guthega* (Guthega Skink) and *Cyclodomorphus praealtus* (Alpine She-oak Skink).



Figure 3: Vegetation and wombat burrow locations within the study area.



Photo 3: The larger of the two tree islands to be removed showing the dieback affected Snow Gums.



Photo 4: Shrub growth on the aerial jump which was planted some years ago by Perisher.



Photo 5: The small degraded wet areas within the development footprint are of negligible conservation significance.



Photo 6: A wombat burrow occurs within the aerial jump and a wombat management plan should be developed to mitigate impacts on wombats during construction.

Small amounts of *Mastacomys fuscus* (Broad-toothed Rat) scats were observed within the tree islands and around the aerial jump indicating that these areas are used by the species during the winter months. The Broad-toothed Rat is common in suitable habitats within the locality and the proposed works will not lead to a reduction in the local population of the species.

There is a wombat burrow in the aerial jump, as shown in Photo 6 and Figure 3. The burrow should be monitored immediately prior to the construction phase of the proposal and wombats excluded and/or relocated as per NPWS protocols.

The potential impacts of the proposed works on the Broad-toothed Rat are assessed pursuant to section 7.3 of the BC Act in Appendix A.

Conclusion

The proposal will affect only a very small area, estimated to be approximately 150 m² in total, of already heavily modified native vegetation and associated fauna habitats. The proposal will not affect any potentially important fauna habitat resources and will affect only a very small amount of habitat in the context of the extent of similar habitats in the extensive areas of vegetation in the locality. The proposal will not result in any adverse impacts on habitat connectivity.

Under these circumstances, it is unlikely that the proposal will result in any substantial adverse impacts on the environment or have any significant effects on threatened species, endangered populations, ecological communities, or their habitats, listed under the NSW *Biodiversity Conservation Act 2016* or the Commonwealth *Environment Protection & Biodiversity Conservation Act 1999*.

Should you require any further information please contact me on 0422 802 447.

Regards,

A handwritten signature in black ink, appearing to read 'Ryan Smithers', with a stylized, flowing script.

Ryan Smithers
Senior Ecologist

Appendix A: Test of Significance

Test of significance pursuant to section 7.3 of the BC Act: Five-part test

An assessment of the effects of the proposal on threatened species, populations and ecological communities which may be directly or indirectly affected by the proposal may be carried out by applying the five factors from Section 7.3 of the BC Act.

This test of significance is presented below for *Mastacomys fuscus* (Broad-toothed Rat)

(a) in the case of a threatened species, whether the proposed development or activity is likely to have an adverse effect on the life cycle of the species such that a viable local population of the species is likely to be placed at risk of extinction,

Vulnerable Species

Broad-toothed Rat *Mastacomys fuscus* (known occurrence).

The Broad-toothed Rat generally occurs in two widely separated areas in NSW, the Barrington Tops area and the wet alpine and subalpine heaths and woodlands of the Kosciuszko NP and adjacent areas. The species lives in a complex of runways through dense vegetation of wet grass, sedge or heath and under the snow in winter. Home range size is thought to range between approximately 0.1 ha and 0.27 ha. Individuals nest alone over summer but congregate in communal nests during winter. The species is thought to be locally common in the alpine and high subalpine tracts of the Snowy Mountains area, where suitable habitats are present.

The subject site provides a small amount of marginal foraging and sheltering habitat for the Broad-toothed Rat. Minor evidence of the species was observed within the subject site indicating that the species occurs within the study area from time to time.

The proposed development will affect only a very small amount of the potential habitat for the species in the locality and will not affect any key resources for the species, such as extensive areas of rocks, wet heath and bog. It will predominately affect a small area (0.015 ha) of disturbed and isolated dry heath and rocks. As such, the proposed development is unlikely to adversely affect a significant proportion of the home range of one or more Broad-toothed Rat individuals.

Under these circumstances, the proposed development is considered unlikely to disrupt the life cycle of the Broad-toothed Rat such that a viable local population is likely to be placed at risk of extinction.

(b) in the case of an endangered ecological community or critically endangered ecological community, whether the proposed development or activity:

(i) is likely to have an adverse effect on the extent of the ecological community such that its local occurrence is likely to be placed at risk of extinction, or

(ii) is likely to substantially and adversely modify the composition of the ecological community such that its local occurrence is likely to be placed at risk of extinction,

There are no endangered or critically endangered ecological communities within the study area.

(c) in relation to the habitat of a threatened species or ecological community:

(i) the extent to which habitat is likely to be removed or modified as a result of the proposed development or activity, and

The proposed development will impact on only a very small area (0.015 ha) of habitat for the Broad-toothed Rat.

(ii) whether an area of habitat is likely to become fragmented or isolated from other areas of habitat as a result of the proposed development or activity, and

The proposed development will not result in habitat fragmentation which could isolate individuals or a population of the Broad-toothed Rat. The tree islands to be affected by the proposed works are already isolated, and are too small to provide all the required resources for a Broad-toothed Rat individual.

(iii) the importance of the habitat to be removed, modified, fragmented or isolated to the long-term survival of the species or ecological community in the locality,

The potential Broad-toothed Rat habitats to be affected comprise a small area of marginal habitat relative to the extensive areas of similar and superior habitats provided by surrounding vegetation.

Under these circumstances, the habitats to be affected are not considered to be particularly important for Broad-toothed Rat.

d) whether the proposed development or activity is likely to have an adverse effect on any declared area of outstanding biodiversity value (either directly or indirectly),

The proposed development will not affect any area of outstanding biodiversity value.

(e) whether the proposed development or activity is or is part of a key threatening process or is likely to increase the impact of a key threatening process.

The proposed development will remove 0.015 ha of remnant native vegetation. Whilst this constitutes the Key Threatening Process 'Clearing of native vegetation', the contribution to this key threatening process is relatively minor considering the extent of remnant forest in the locality and the extant extent of the vegetation communities that will be affected.

APPENDIX C

AHIMS SEARCH RESULTS

dabyne planning

Date: 02 January 2023

Attention: Ivan Pasalich

Email: ivan@dabyneplanning.com.au

Dear Sir or Madam:

AHIMS Web Service search for the following area at Lat, Long From : -36.4045, 148.4079 - Lat, Long To : -36.4024, 148.4117, conducted by Ivan Pasalich on 02 January 2023.

The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.



A search of Heritage NSW AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

0	Aboriginal sites are recorded in or near the above location.
0	Aboriginal places have been declared in or near the above location. *

If your search shows Aboriginal sites or places what should you do?

- You must do an extensive search if AHIMS has shown that there are Aboriginal sites or places recorded in the search area.
- If you are checking AHIMS as a part of your due diligence, refer to the next steps of the Due Diligence Code of practice.
- You can get further information about Aboriginal places by looking at the gazettal notice that declared it. Aboriginal places gazetted after 2001 are available on the [NSW Government Gazette \(https://www.legislation.nsw.gov.au/gazette\)](https://www.legislation.nsw.gov.au/gazette) website. Gazettal notices published prior to 2001 can be obtained from Heritage NSW upon request

Important information about your AHIMS search

- The information derived from the AHIMS search is only to be used for the purpose for which it was requested. It is not to be made available to the public.
- AHIMS records information about Aboriginal sites that have been provided to Heritage NSW and Aboriginal places that have been declared by the Minister;
- Information recorded on AHIMS may vary in its accuracy and may not be up to date. Location details are recorded as grid references and it is important to note that there may be errors or omissions in these recordings,
- Some parts of New South Wales have not been investigated in detail and there may be fewer records of Aboriginal sites in those areas. These areas may contain Aboriginal sites which are not recorded on AHIMS.
- Aboriginal objects are protected under the National Parks and Wildlife Act 1974 even if they are not recorded as a site on AHIMS.
- This search can form part of your due diligence and remains valid for 12 months.