



# Tom Thumb Learning Area, Perisher Valley

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Development Application Assessment  
DA 23/3644

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

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# Glossary

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

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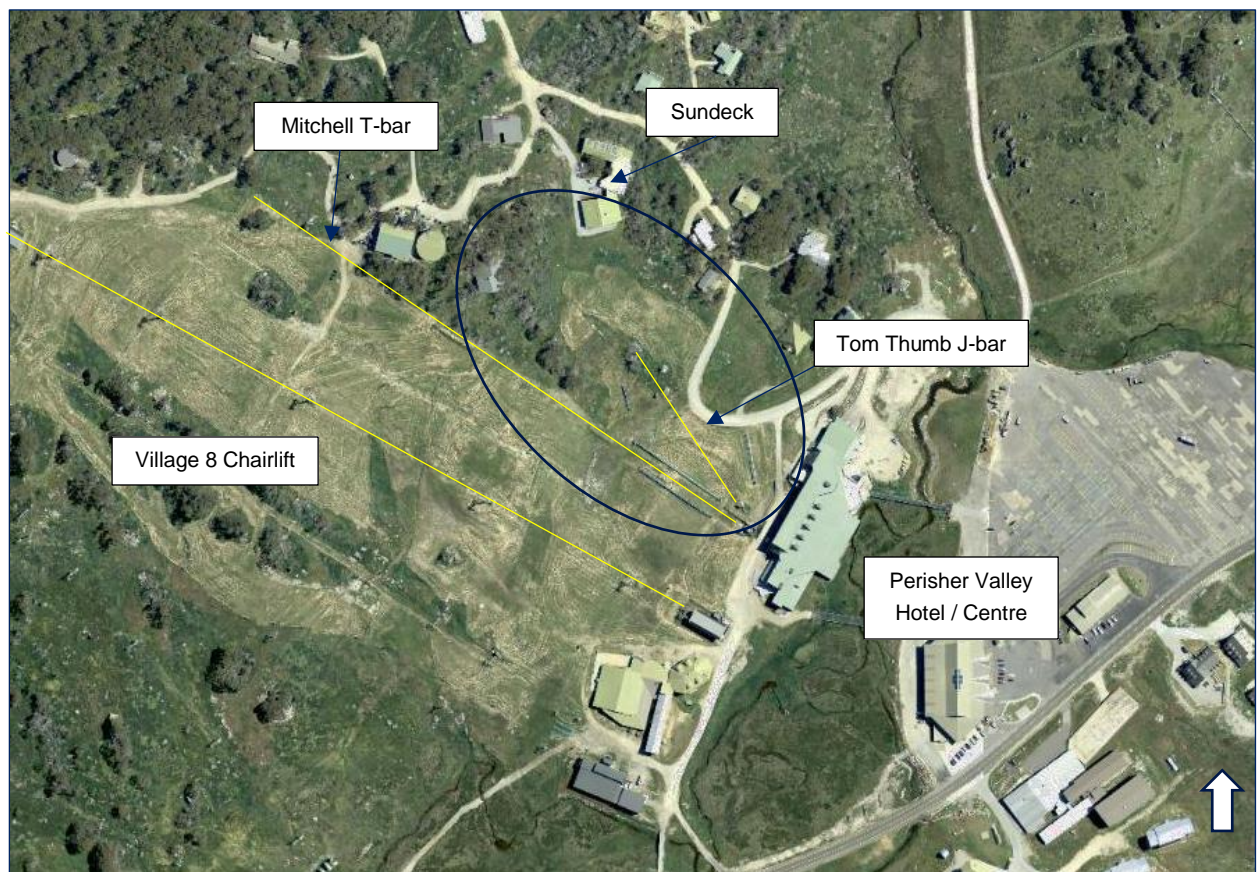
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# 1 Introduction

This report contains the Department's assessment of Development Application (DA 23/3644) lodged by Perisher Blue Pty Ltd (the Applicant) seeking approval for the redevelopment of the Tom Thumb learning area within the Perisher Valley Precinct of Perisher Range Alpine Resort, Kosciuszko National Park (KNP).

The Applicant seeks approval for the enlargement of the existing dedicated learning area (**Figure 1**) through the relocation or installation of skier conveyors, removal of the Tom Thumb J-bar, ski slope earthworks with the removal of the aerial jump site, inclusion of a snow fence, snowmaking alterations, and modifications to the front entry stairs into the learning area.

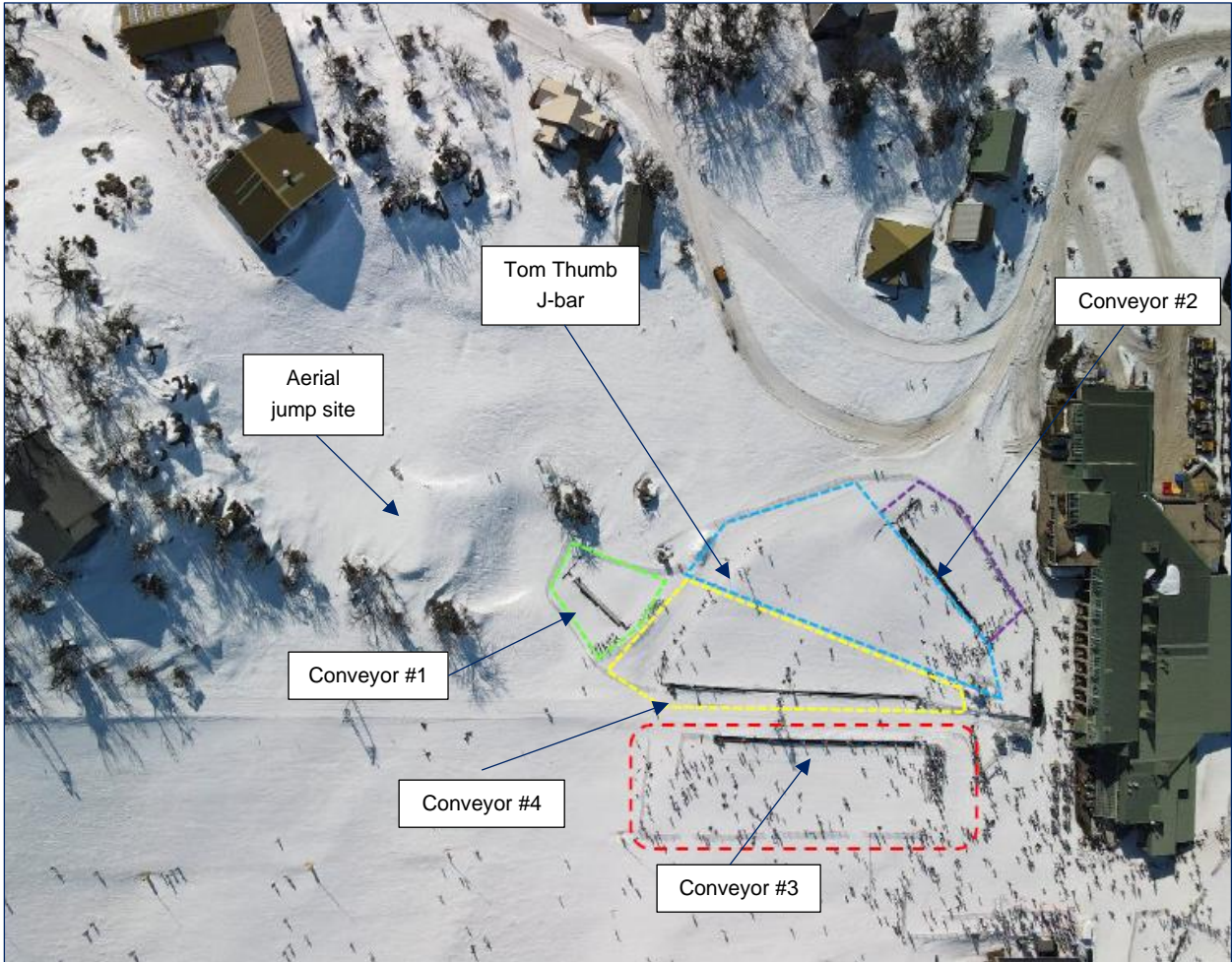


**Figure 1 |** Site in context of Front Valley ski slope area and adjoining uses (Source: SIX Maps 2023)

The existing Tom Thumb learning area is located on the right-hand side of the Front Valley ski area, when looking up the ski slope from the Perisher Valley Hotel / Centre. The Applicant comments that the site provides a learning area for children as part of the ski and snowboard lessons offered at Perisher Ski Resort, and includes a dedicated area that is fenced off from the general public which contains three (3) skier conveyors, the Tom Thumb J-bar lift, and snowmaking.

The site and immediate area comprises a mixture of sensitive vegetation and disturbed ski slope following the historic usage of the site associated with the operation of the existing learning area, aerial jumps site and half pipe (made from snow during winter). Burrumys Road is located on the edge of the site, with the oversnow transport route from the lower section of the mountain to lodges located to the north, which is to be fenced on the sites edge as part of this application (**Figure 2**).

With the modified nature of the site being predominantly ski slope, minimal native vegetation remains. Impacts from the works are minimal and restricted to the two tree / rock islands located around the current offload / bullwheel area of the Tom Thumb J-bar. The tree islands contain Snow Gums (impacted by dieback) and Alpine mint bush. Limited opportunities for habitat of threatened fauna species were identified within the islands, however the presence of Broad-toothed rat scats were observed by the Applicant. A wombat was also observed within the aerial jump site.



**Figure 2 |** View of existing winter arrangement of the learning area, oversnow route and skier conveyor numbers utilised in the report (Source: Applicant’s documentation)

The application seeks approval for ski infrastructure works, removal of the vegetation and rock islands, alteration to existing snow making infrastructure, and supporting infrastructure that provides access into the learning area. The key components and features of the proposal are provided in **Table 1**.

**Table 1 |** Main Components of the development

Aspect	Description
Removal of existing infrastructure	<ul style="list-style-type: none"> <li>Removal of the Tom Thumb J-bar lift and associated lift hut, haul rope, bullwheel and pulley. Concrete footings for the bottom and top stations are also to be removed.</li> <li>Removal of skier conveyor #2 (to be stored offsite).</li> </ul>

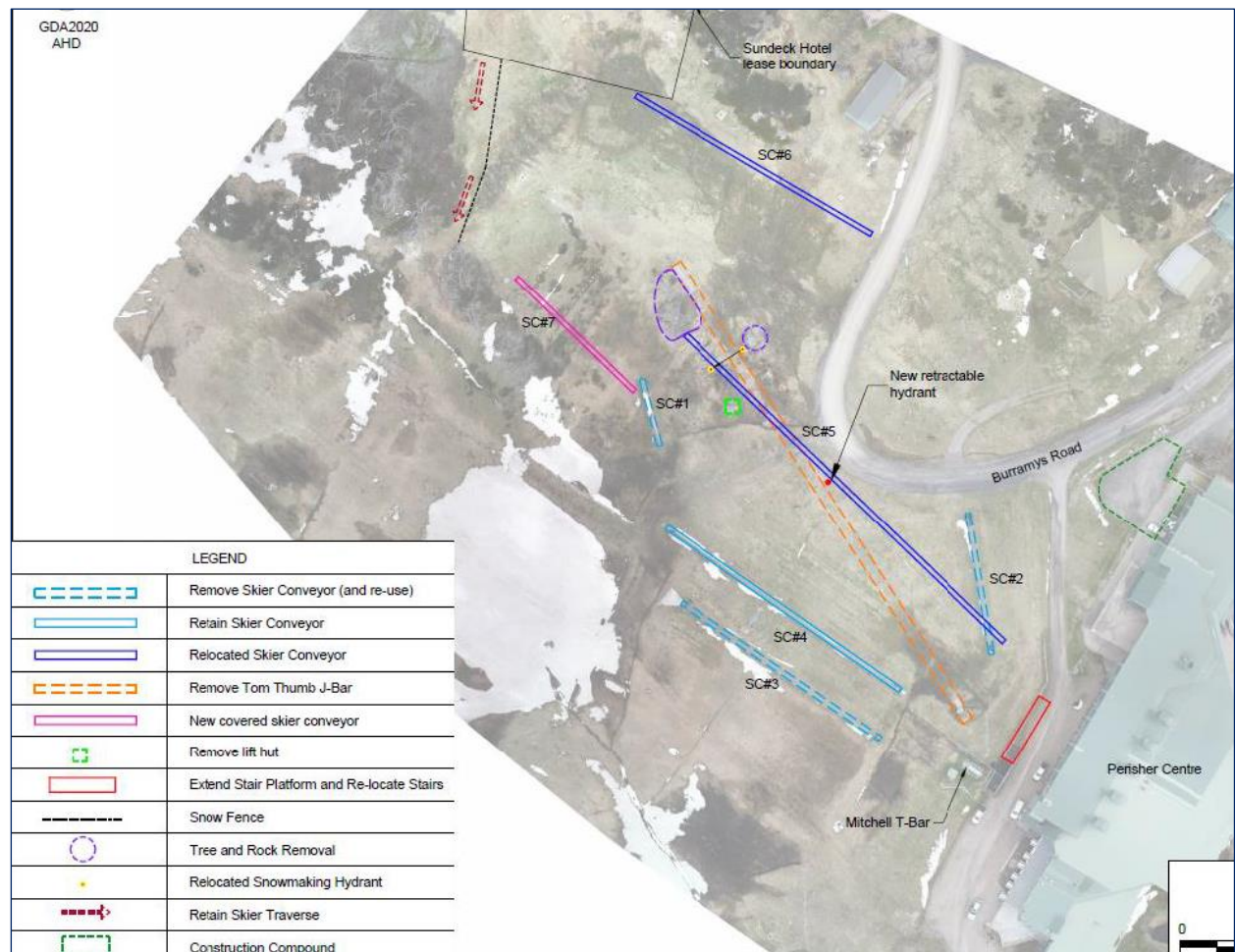


<b>New conveyors / reuse of existing conveyors (Figure 3)</b>	<ul style="list-style-type: none"> <li>• Removal of skier conveyor #3 (located to ski slope side of Mitchell T-bar) and relocation to become skier conveyor #6 below Sundeck Hotel.</li> <li>• Retention of skier conveyor #4 (currently utilised within the children's learning area), to be utilised by the general public with the area fenced off to separate between public and children's learning area.</li> <li>• Following removal of skier conveyor #2 and the Tom Thumb J-bar, a new conveyor #5 is to be installed.</li> <li>• Installation of skier conveyor #7 above existing skier conveyor #1 (to be removed as part of another approved application), which also requires the existing aerial jump site to be modified. Conveyor to be a covered skier conveyor with a clear 'gallery'.</li> </ul>
<b>Alterations to existing entry staircase</b>	<ul style="list-style-type: none"> <li>• The existing entry staircase (opposite Perisher Valley Hotel / Centre), that provides public access into the children's learning, is to be modified by relocating the northern staircase and extending the platform.</li> </ul>
<b>Tree and rock removal</b>	<ul style="list-style-type: none"> <li>• Two tree and rock islands are to be removed to facilitate the location of skier conveyor #5.</li> <li>• Rock removal would occur using an excavator and / or drill and blasting. Accessed across the ski slope from Burramys Road.</li> <li>• Rock fragments to be stored at the Smiggins stockpile site.</li> </ul>
<b>Earthworks</b>	<ul style="list-style-type: none"> <li>• Slope works are proposed across the site to provide a consistent fall line.</li> <li>• Depressions are to be filled in, with the earth taken from the old aerial jump site located on the upper section of the site.</li> <li>• Improvements would also occur to existing drainage across the site.</li> </ul>
<b>Snow fence</b>	<ul style="list-style-type: none"> <li>• A new snow fence (maximum 2 metres in height) is to be built on the upper section of the works along the existing traverse from Sundeck Hotel to the Front Valley ski area. The snow fence assists in capturing snow (for grooming purposes), while would also border the new learning area restricting public access.</li> </ul>
<b>Snowmaking works</b>	<ul style="list-style-type: none"> <li>• Alterations to the existing manual hydrant is required to facilitate the location of skier conveyor #5.</li> <li>• A new retractable hydrant is also to be provided to improve snow coverage.</li> </ul>
<b>Demolition and construction access</b>	<ul style="list-style-type: none"> <li>• Demolition and construction access will be via Burramys Road and across the existing disturbed ski slopes.</li> </ul>
<b>Estimated cost of works</b>	<ul style="list-style-type: none"> <li>• \$379,500.</li> </ul>

The Applicant notes that the proposal will result in an upgrade and expansion of the Perisher Ski Resort's learning area for children as part of ski and snowboard lessons offered.

The development:

- would represent additional capital investment into Perisher Ski Resort by allowing for the expansion and upgrade of the learning area for children as well as a relocated skier conveyor for the public,
- is designed to minimise impacts on the environment whilst improving the guest experience; and
- improves operational outcomes for the resort.



**Figure 3 |** Proposed alignment of skier conveyors, construction compound and area of vegetation / rock removal (Source: Applicant's documentation)

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

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



## 2 Matters for Consideration

### 2.1 Strategic Context

#### South East and Tableland Regional Plan 2036

The proposal is consistent with the Regional Plan as it would improve guest facilities through providing an upgraded beginner skiing / snowboarder area, which leads to additional visitation to the NSW ski resorts.

#### 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 provide an improvement to the existing lifting facilities within the beginner area of the Front Valley ski area. The works have considered the existing sensitive environment and landscape attributes of Perisher Range.

#### Precincts - Regional SEPP

The proposal is consistent with Chapter 4 of the Precincts - Regional SEPP as the development will be undertaken in an ecologically sustainable way to prevent adverse environmental, social or economic impacts on the natural or cultural environment, ensuring that KNP values are being protected and upheld.

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

### 2.2 Permissibility

The proposal relates to removal of existing ski conveyors / lifting facilities, replacement / installation of new skier conveyors and other ski slope works within the definition of 'lifting facilities', 'fences', 'ski slopes' and 'snow making infrastructure'.

Pursuant to section 4.9 of the Precincts - Regional SEPP, works relating to 'lifting facilities', 'fences', 'ski slopes' and 'snow-making infrastructure' are permissible with consent within the Perisher Range Alpine Resort.

### 2.3 Mandatory Matters for Consideration

#### Objects of the EP&A Act

Table 2 | Objects of the EP&A Act

Objects of the EP&A Act	Consideration
(a) to promote the social and economic welfare of the community and a better environment	The proposal supports the ongoing use of Perisher Range Alpine Resort for tourism through altering and

by the proper management, development and conservation of the State's natural and other resources,	<p>improving ski related infrastructure, while minimising impacts on the environment through utilising existing disturbed ski slopes and requiring access off Burramys Road.</p> <p>The works to the site would have significant positive social and economic impacts and improve beginner ski slope access.</p>
(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,	The proposal would not have an unacceptable impact on the environment thus being ecologically sustainable development. Mitigation measures during construction have been included in the recommended conditions of consent and impacts on biodiversity limited.
(c) to promote the orderly and economic use and development of land,	<p>The Applicant comments that impacts 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, offering an improved guest experience.</p> <p>The Department raised no concerns with the proposal as the works improve facilities within Perisher Range Alpine Resort.</p>
(d) to promote the delivery and maintenance of affordable housing,	Not applicable to this proposal.
(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,	Impacts upon the environment have been limited to avoid sensitive areas where possible. The impacts upon vegetation are not mapped on the Biodiversity Values Map.
(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),	<p>The proposed development is not anticipated to result in any impacts upon built and cultural heritage, including Aboriginal cultural heritage.</p> <p>NPWS commented, following a review of the documentation submitted with the Application, that the potential for impacts on Aboriginal cultural heritage has been addressed assessment.</p> <p>NPWS noted that the report indicated that no areas of archaeological potential at or in the immediate vicinity of the development site.</p>

(g) to promote good design and amenity of the built environment,	The Department considers that the proposal responds to its existing setting and minimises impacts upon natural environment. See discussion in <b>Section 4</b> .
(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,	The Department has recommended conditions of consent to ensure the proposal is undertaken in accordance with legislation, guidelines, policies and procedures to ensure the health and safety of people and animals that may be present in the area of works (refer to <b>Appendix A</b> ).
(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,	The Department made the application publicly available on the NSW Planning Portal and held consultation with government agencies and considered their responses.
(j) to provide increased opportunity for community participation in environmental planning and assessment.	The Department made the application publicly available on the NSW Planning Portal website for 14 days from 3 April 2023 until 17 April 2023.

### Considerations under section 4.15 of the EP&A Act

**Table 3 | Section 4.15(1) Matters for Consideration**

Section 4.15(1) Evaluation	Consideration
(a)(i) any environmental planning instrument (EPI)	<p>The Precincts - Regional SEPP is the principal EPI which applies to the site for this type of development. An assessment against the requirements of Chapter 4 of the Precincts - Regional SEPP is provided below.</p> <p>The Department is satisfied that the Application is consistent with the requirements of Chapter 4 of the Precincts - Regional SEPP.</p>
(a)(ii) any proposed instrument	Not applicable to the proposal.
(a)(iii) any development control plan	Not applicable to the proposal.
(a)(iiia) any planning agreement	Not applicable to the proposal.
(a)(iv) the regulations	The application satisfactorily meets the relevant requirements of the EP&A Regulation, particularly the



	<p>procedures relating to development applications (Part 3 and Part 4) and fees (Part 13 and Schedule 4).</p> <p>The Department has undertaken its assessment in accordance with all relevant matters as prescribed by the regulations, the findings of which are contained within this report.</p>
(a)(v) any coastal zone management plan	Not applicable to the proposal.
(b) the likely impacts of that development	The Department has considered the likely impacts of the development. Environmental impacts have been contained where possible and site works can be appropriately managed and mitigated through conditions of consent.
(c) the suitability of the site for the development,	The rearrangement or inclusion of new lifting infrastructure maintains the use of the site consistent with its current suitability, which supports the snow-based winter activities in the resort. See further discussion in <b>Section 4</b> of this report.
(d) any submissions made in accordance with this Act or the regulations,	Consideration has been given to submissions received from the NPWS. Refer to <b>Section 3</b> and <b>Section 4</b> 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, including the objective to encourage the carrying out a suitable range of development in the resort areas to support sustainable tourism in the Alpine Region. The development will be compatible with the ongoing operation of the winter snow resort.</p> <p>Temporary impacts to the environment have been identified and will be appropriately managed, mitigated and contained. The development is considered to support the economic viability of the Resort while maintaining the health and diversity of the environment, thereby supporting the principles of ESD.</p> <p>The approval of the proposal is considered to be consistent with 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 4** below:

**Table 4 | Chapter 4 considerations**

<b>Chapter 4 - Precincts - Regional SEPP - Kosciusko Alpine Region</b>	
<b>Section 4.1 Aims and objectives of Chapter</b>	
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, supports the ongoing use of the site for winter based activities and tourism to the locality, and minimises the impacts upon the environment.
<b>Section 4.9 Demolition</b>	
The demolition of a building or work on land in the Alpine Region	The proposal requires the demolition of the existing Tom Thumb J-bar infrastructure, skier conveyor #3 (to be relocated on site) and #2 (to be stored for future use). The Department raises no concerns with the proposal and has recommended conditions of consent.
<b>Section 4.21 Heritage conservation</b>	
European heritage	The proposal would not impact on any European heritage items.
Aboriginal heritage	The NPWS raised no concerns with the proposal. NPWS recommended that should any Aboriginal objects be uncovered during construction, any works impacting the objects must cease immediately and the NPWS contacted for assessment of the site.
<b>Section 4.24 Flood planning</b>	
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 proposal includes the removal of the existing aerial jump site that contain fill material above natural ground level. The Department considers that the earthworks proposed are unlikely to cause the disruption to, or adversely 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.

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

Refer to above comments.

(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 predominantly within the 'G' zone identified on the Department's Geotechnical Policy Map (part of the lower section is outside of the 'G' zone).

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 PBSSMP. Refer to **Section 4** for further discussion.

#### 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 included recommendations for footing inspections, and filling / landform modifications with the removal of the aerial jump site. Overall, the assessment report considered that the site would not present a significant geotechnical constraint.

(b) the extent to which the development will achieve an appropriate balance between -

(i) the conservation of the natural environment, and

(ii) taking measures to mitigate environmental hazards, including geotechnical hazards, bush fires and flooding,

The proposed works have been designed to avoid and mitigate impacts on the natural environment. The land is not subject to flooding and no measures to protect against bushfire are required. The land is identified as being in an area of geotechnical sensitivity (being within the 'G' zone), however the works have been assessed as being acceptable by the Applicant's consultant.

Natural hazards have been adequately addressed.

(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,

The installation of the new skier conveyors and removal of existing ski lifting infrastructure will not result in an unacceptable visual impact on the locality. See further discussion in **Section 4**.

(d) the cumulative impacts of development and resource use on the

The works proposed relate to a rearrangement of an existing learning area contained on predominantly

environment of the Alpine Subregion in which the development is carried out,	disturbed ski slope. The development will not result in any changes to resource use or impact the service and waste systems, or facilities in place to support development and visitor patronage of facilities in the Alpine resorts.
(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,	No additional usage of the infrastructure and service network is predicted as a result of the project.
(f) the capacity of existing waste or resource management facilities to deal with additional waste generated by the development, including in peak periods.	The project will not generate ongoing operational waste by the development. The capacity of 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	<p>No negative impacts to stormwater are anticipated, with the proposal including the provision of temporary diversion drains to address any water seepage from the works.</p> <p>Measures to mitigate the adverse impacts of the earthworks have been considered previously and are detailed further in <b>Section 4</b> of this report. The impacts are considered to be acceptable.</p>
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 Kosciuszko National Park Plan of Management.

### Ecologically Sustainable Development (ESD)

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

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

- the works support the orderly and economic use of the site;
- the proposal is not expected to adversely impact upon the health, diversity, or productivity of the environment for future generations; and
- 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.

The Applicant comments that the proposal is expected to impact upon 150m<sup>2</sup> of already heavily modified native vegetation and associated fauna habitats.

The site is also not mapped on the BVM and the proposal will not affect any potentially important fauna habitat resources. The proposal does 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. As the proposal would not result in any adverse impacts on habitat connectivity, the BOS would not be triggered.

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

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.

As the works are within fifty (50) metres of tourist accommodation buildings, the Department exhibited the application between 3 April 2023 until 17 April 2023 on the NSW Planning Portal and notified all lodges within Perisher Range Alpine Resort of the works.

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

### 3.2 Summary of submissions

No public submissions were received.

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

- NPWS advised that the skier conveyor works are permitted under the 'Perisher Ski Area Deed of Licence' and works to the staircase platform extension and relocation of the northern stairs are permitted under the 'Consolidated Mountain Lease' with Perisher Blue Pty Ltd.
- NPWS commented that the Applicant has demonstrated consideration of the BC Act, with NPWS concurring that the proposal does not trigger the BOS.
- NPWS commented on the proximity of skier conveyor #6 to the Burramys Road oversnow corridor (**Figure 4**) and recommended the Applicant review and manage this area appropriately.



**Figure 4 |** Existing oversnow route adjoining the site (Source: Applicant's documentation)

- Environmental protection measures are recommended during construction relating to the management of clearing, erosion, waste, weeds, stockpile management, construction machinery protocols, and measures for the protection of flora and fauna not associated with the area of works.
- The submitted Site Environmental Management and Rehabilitation Plan is to be updated (requiring trenching to utilise sod replacement techniques where practicable and weed species to be treated) and the preparation of a Wombat Management Plan is required for the wombat hole located within the aerial jump site development area (**Figure 5**).



**Figure 5 |** Aerial jump site location where wombat burrow is located (Source: Applicant's documentation)

### 3.3 Response to Submissions

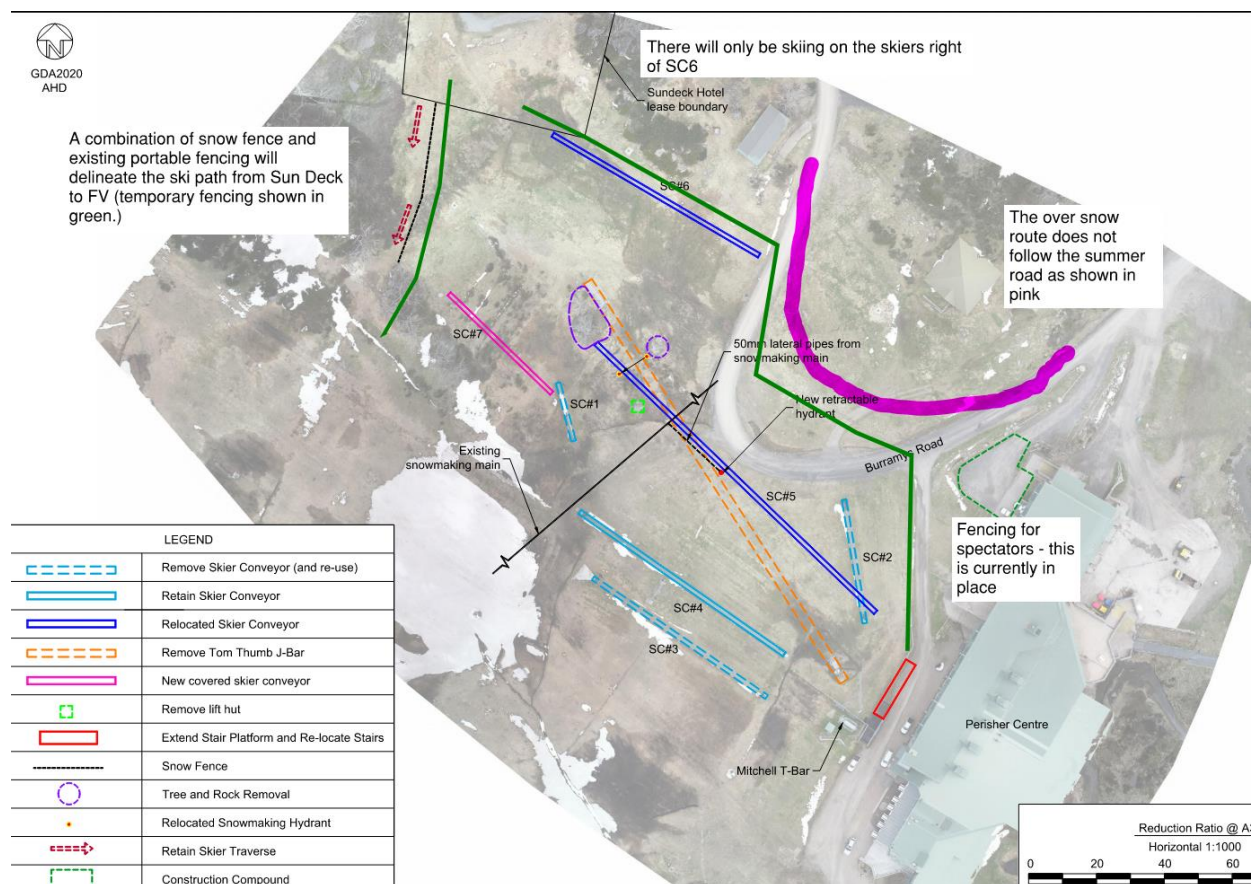
The Department placed a copy of the NPWS submission on its website and requested the Applicant provide a response to the NPWS comments.

A key issue in discussions with the Applicant, is the management of the area and addressing concerns with potential conflicts between the proposed learning area and the adjoining oversnow route. During these discussions, the main concern is the defined / approved location of the oversnow route as the oversnow route is altered depending on snow conditions.

The Applicant provided an indicative location of the temporary fencing in relation to the oversnow route, shown in purple in **Figure 6**. While this was the current oversnow route on site during mid July 2023 (and in most of the winter operation), the endorsed oversnow route is actually located on Burramys Road (also shown on **Figure 6**).



Therefore, depending on the oversnow route location, the proposed learning area adjoining the new SC#5 and SC#6 is impacted and the need to ensure safety of the users of the learning area is an important consideration.



**Figure 6 |** Indicative fencing location in relation to oversnow route (Source: Applicant's documentation)

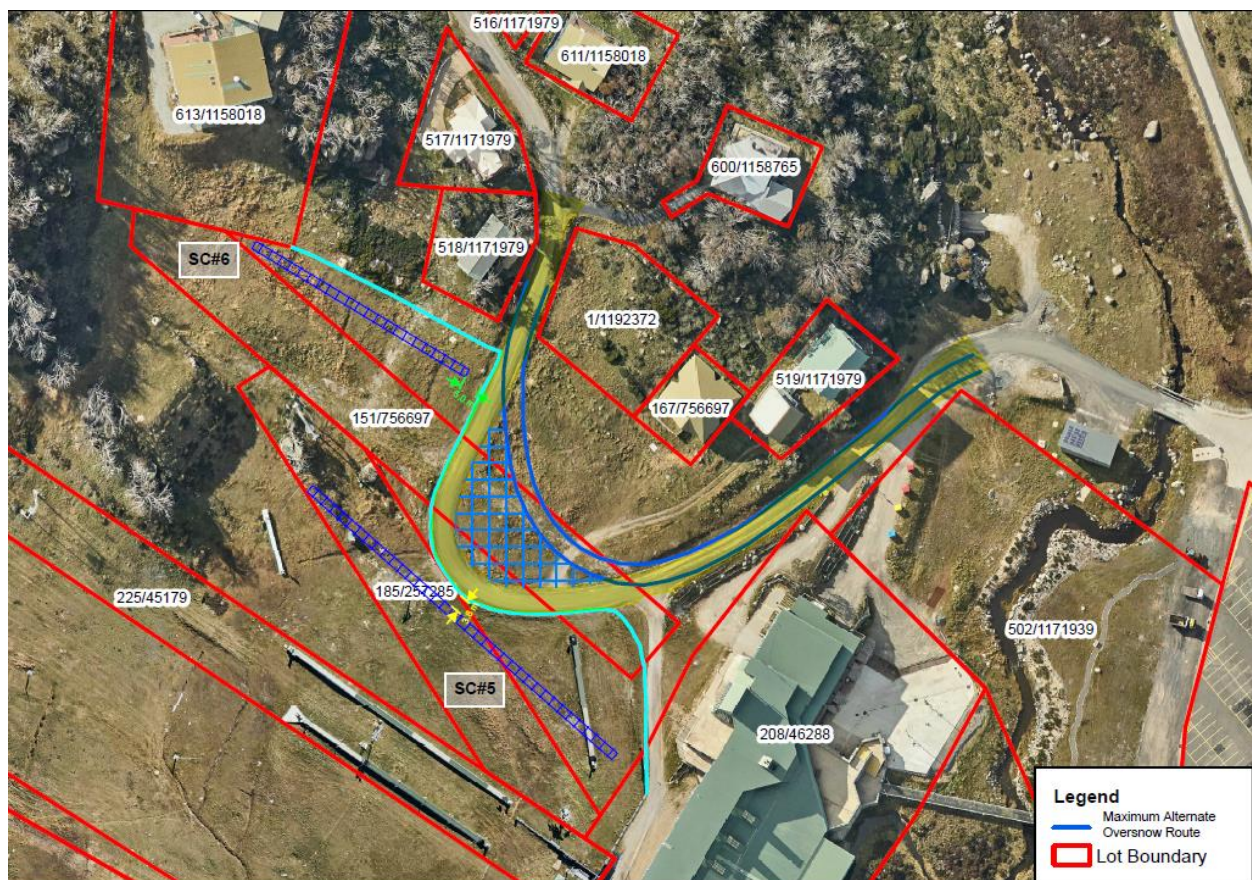
On 22 August 2023, following an onsite meeting between the Department, NPWS and the Applicant, additional commentary and suggestions were provided from the Applicant to address potential conflicts between the users of the learning area and proximity to the oversnow route. This included that:

- *The subject area is an active ski slope with only the area used as a learning space currently fenced from the balance of the slope. There is currently no fencing separating this balance area (being the previous location of a half pipe) from the existing oversnow route. It is understood that the Department has concerns that as the subject development application seeks to extend the current learning area to encompass the balance of the slope there may be a potential for conflicts between riders and oversnow vehicles using the oversnow route.*
- *Perisher proposes the following mitigation measures to respond to the concerns raised:*
  - *Potential ski slope and oversnow transport conflicts will be managed with the erection of temporary fencing and groomed berms.*
  - *In addition, the slope will be groomed and managed to direct users to the lift loading areas of the ski carpets so as to avoid them coming into contact with perimeter fencing.*

- *These mitigation measures will be put in place during the operation of the area and any changes to the oversnow route due to seasonal conditions will be undertaken in consultation with NPWS as is currently the case.*

Additional discussions have occurred between the Department, NPWS and the Applicant on the arrangements required to enable use of the area between the Burramys Road access road and the maximum alternate oversnow route that typically occurs during winter. Discussions also related to measures to be utilised to ensure users of the learning area do not enter the oversnow routes.

The Applicant has submitted an updated plan (**Figure 7**) and comments that the area is to be defined by grooming the slope, inclusion of a 1 metre wide snow mound and fencing. With this information, the Department recommend a condition (in consultation with NPWS) to the Applicant on the operation of the agreement to utilise the hatched area between NPWS, which the Applicant has accepted.



**Figure 7 |** Alternate oversnow route extent plan (Source: Applicant's documentation)

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



## 4 Assessment

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

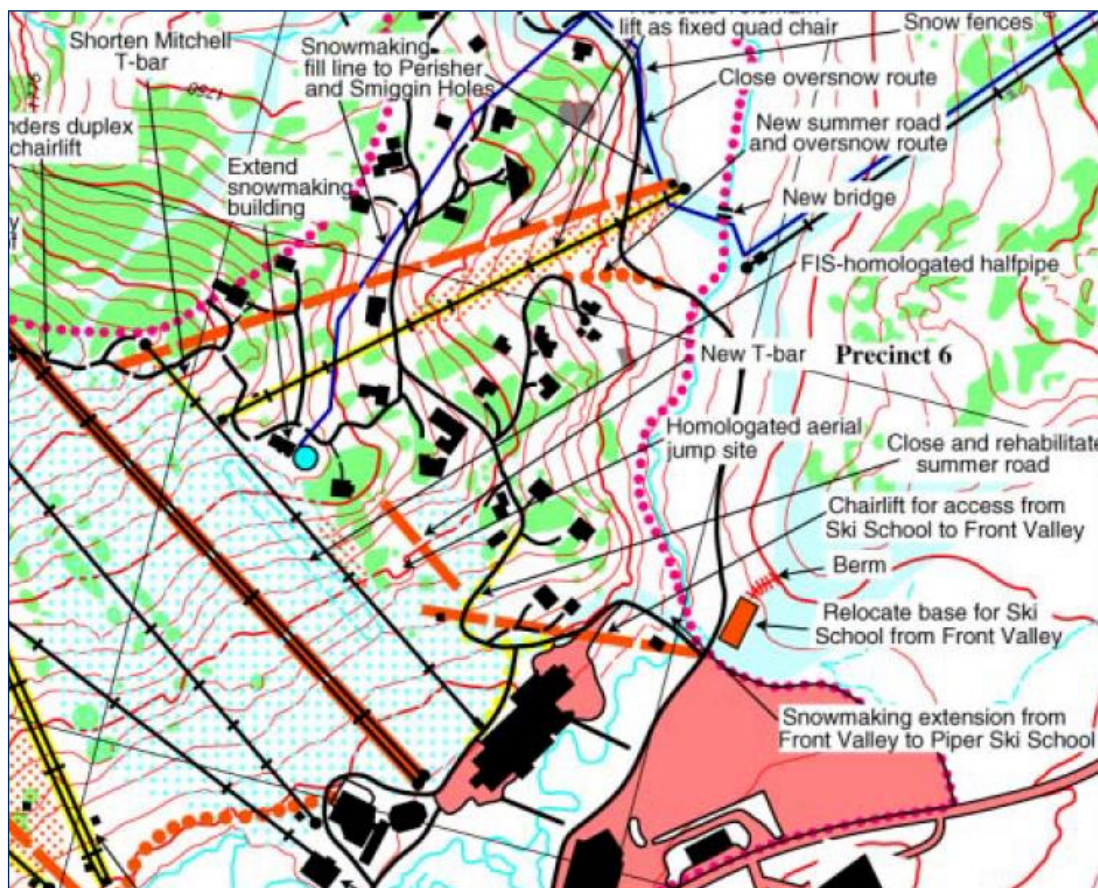
- Consistency with the Perisher Blue Ski Resort Ski Slope Master Plan
- Impacts on biodiversity
- Visual impacts

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

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

The PBSSMP sets the overall master plan for the provision and management of facilities on the ski slopes of the Perisher Range alpine resorts. The site is located within the Perisher Valley ski precinct (Chapter 6 – Precinct 1) of the PBSSMP. The Applicant comments that:

- *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 (**Figure 8**).*



**Figure 8** | Extract illustrating proposed lift and works within the site (Source: PBSSMP)



- *The PBSSMP 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.*

As stated by the Applicant, the original PBSSMP for this locality was driven by the development on the existing carparking area to the south of Perisher Creek. If this development had occurred, new chairlifts and other skier conveyors were to be provided in order to move people from the car parking area onto the ski slopes. With the village development not occurring to date, alternative arrangements are proposed to increase the beginner learning area and modernise lifting infrastructure (i.e. inclusion of a clear 'gallery' conveyor).

Noting the provisions within the PBSSMP and the comments from the Applicant, the Department concludes that the proposal, while being different to that of the PBSSMP, is consistent with that overall PBSSMP plan to improve ski lifting infrastructure, while avoiding sensitive vegetation areas.

## 4.2 Impacts on biodiversity

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

### Vegetation impacts

A Flora and Fauna assessment was undertaken in relation to the proposal, in which the Applicant's ecologist comments that:

- The proposal will affect only a very small area, estimated to be approximately 150 m<sup>2</sup> in total, of already heavily modified native vegetation and associated fauna habitats (**Figure 9**). The proposal will not affect any potentially important fauna habitat resources and will affect only a 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 and Biodiversity Conservation Act 1999*.

- There is a wombat burrow in the aerial jump. 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 NPWS raised no concerns in relation to either the Flora and Fauna Report or the location of proposed works, although the submitted Site Environmental Management and Rehabilitation Plan received separately will be required to be amended and a wombat management plan is to be prepared in consultation with NPWS.



**Figure 9 |** (Source: Applicant's documentation)

Conditions are recommended to ensure areas impacted by construction be rehabilitated in accordance with the "*Rehabilitation Guidelines for the Resort Areas of Kosciuszko National Park (DECC 2007)*". Appointment of an Environmental Officer, engaged by the Applicant, will be required to review the works prior and during construction to ensure that the proposal meets the identified outcomes.

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

### **Construction impacts and access**

To facilitate the removal of the existing facilities and construction of the proposal, the site would be accessed predominantly off Burramys Road, adjacent to the site, and then onto the existing disturbed ski slopes.

Staging of materials (either once demolished or new) is from the primary staging area of Perisher car park, with secondary staging points adjacent to the existing disturbed areas located in front of the Perisher Centre / Hotel western entrance. Construction impacts such as noise and vibration will be managed in accordance with standard environmental conditions.

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

The Department has also adopted the NPWS recommended conditions including machinery, stockpile sites and soil and waste management. Particularly that works are to comply with '*Soil Stockpile Guidelines for the Resort Areas of Kosciuszko National Park, October 2017*'.

Subject to compliance with these conditions, the Department is of the view that the construction of the proposed works would not impact upon buildings located within proximity of the site or the environment.

## Conclusion

The Department is satisfied the Applicant has taken the appropriate steps to avoid, minimise and offset the proposal's biodiversity impacts consistent with the principles of the BC Act and BC Regulation. The Department considers the proposal is acceptable subject to the following:

- amendment to the site environmental management and rehabilitation plan and preparation of a wombat management plan
- access to the site to occur only off Burramys Road and across existing ski slopes
- rehabilitation of disturbed areas and the appointment of an Environment Officer to monitor works

## 4.3 Visual impacts

The visual impact of the works within the context of the ski fields and the Main Range is a consideration for the Department as part of this application. The alterations to the learning area and inclusion of new skier conveyors would be visible from a number of areas, predominantly from Kosciuszko Road / lodges located to the south and located above (Sundeck Hotel, Ku-Ring-Gai Alpine Club and Karralika) (**Figure 10**).



**Figure 10** | View of existing skier conveyor #4 (left) to be retained, Tom Thumb J-bar (middle) to be removed, and skier conveyor #2 (right) to be removed off site and stored (Source: Applicant's documentation)

Section 4.29(1)(c) of the Precincts - Regional SEPP requires the consent authority to take into consideration any visual impact of a proposed development, particularly when viewed from the Main Range, when determining a development application.

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

The Applicant comments that:

- The visual impacts associated with the upgrade and expansion of a highly disturbed ski slope, which is already partly used with skier conveyors and the former aerial jump site and halfpipe, is considered minimal.
- The development is not visible from the main range due to its location.

The Department also acknowledges that the rearrangement or inclusion of new skier conveyor structures blend into the environment and are consistent with existing ski lifting infrastructure currently on the site.

Considering the above, the Department concludes that the visual impacts are acceptable as the proposed rearrangement and inclusion of additional skier conveyors are not visible when viewed from the Main Range and is consistent with other ski lifting infrastructure within the immediate locality.

## 4.4 Other Issues

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

**Table 5 |** Summary of other issues

Issue	Assessment	Department considerations
Geotechnical	<ul style="list-style-type: none"> <li>• The Department notes that the site is located predominantly within the G zone identified on the Department's Geotechnical Policy – Kosciuszko Alpine Resorts Perisher Valley Map. The lower sections of the works are located outside of the G zone.</li> <li>• The Applicant has provided a desktop geotechnical assessment report in support of the proposal by Asset Geotechnical Engineering Pty Ltd and a Form 4 '<i>Minimal Impact Certification</i>'.</li> <li>• Recommendations are provided for, but not limited to, earthworks and footings. The report states that the proposal is not considered to present a significant geotechnical constraint.</li> </ul>	<p>The Department raises no concerns with the proposal, subject to implementation of the recommendations as proposed by Asset Geotechnical Engineering Pty Ltd.</p> <p>Conditions are recommended to ensure the recommendations included within the geotechnical assessment report are implemented.</p>



## 5 Recommendation

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

- the proposal is permissible with consent under the Precincts - Regional SEPP
- there will not be a significant impact on any threatened species, populations or ecological communities, and the natural environment and cultural values associated with KNP are protected
- removal of the existing Tom Thumb J-bar and rearrangement / installation of new skier conveyors within the beginner area of Front Valley maintains the existing use of the site for the benefit of guests
- the works are consistent with the regional plan for the locality and supports visitation to the ski resorts

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 23/3644, subject to the recommended conditions
- **signs** the attached Development Consent (**Appendix A**).

**Recommended by:**



**Mark Brown**  
Principal Planning Officer  
Alpine Resorts Team

**Adopted by:**



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



# Appendices

## Appendix A – Recommended Instrument of Consent