



Installation of Light Pole in Car Park A, Skitube Terminal, Bullocks Flat

Development Application Assessment
DA 24/2122

May 2024

Published by the NSW Department of Planning, Housing and Infrastructure

dphi.nsw.gov.au

Title: Installation of Light Pole in Car Park A, Skitube Terminal, Bullocks Flat

Subtitle: Development Application Assessment, DA 24/2122

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

© State of New South Wales through Department of Planning Housing and Infrastructure 2024. You may copy, distribute, display, download and otherwise freely deal with this publication for any purpose, provided that you attribute the Department of Planning Housing and Infrastructure as the owner. However, you must obtain permission if you wish to charge others for access to the publication (other than at cost); include the publication in advertising or a product for sale; modify the publication; or republish the publication on a website. You may freely link to the publication on a departmental website.

Disclaimer: The information contained in this publication is based on knowledge and understanding at the time of writing (May 2024) and may not be accurate, current or complete. The State of New South Wales (including the NSW Department of Planning Housing and Infrastructure), the author and the publisher take no responsibility, and will accept no liability, for the accuracy, currency, reliability or correctness of any information included in the document (including material provided by third parties). Readers should make their own inquiries and rely on their own advice when making decisions related to material contained in this publication.

Glossary

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

Contents

1	Introduction	1
2	Matters for Consideration	4
2.1	Strategic Context.....	4
2.2	Permissibility	5
2.3	Mandatory Matters for Consideration.....	5
3	Submissions	13
3.1	Department's engagement.....	13
3.2	Summary of submissions	13
4	Assessment	14
4.1	Impacts on biodiversity.....	14
4.2	Construction impacts and access	14
4.3	Visual impacts	15
4.4	Impacts on the car park.....	15
5	Recommendation.....	17
	Appendices	18
	Appendix A – Recommended Instrument of Consent	18

1 Introduction

This report contains the Department's assessment of the Development Application (DA 24/2122) lodged by Perisher Blue Pty Limited (the Applicant) seeking approval for the installation of a 20 metre tall light pole within Car Park A, Bullocks Flat Ski Tube Terminal, Kosciuszko National Park (KNP) (see **Figure 1**).

The applicant seeks approval for the installation of the light pole within the existing sealed (bitumen) car park area and associated ground works. The proposed works include:

- Installation of the light pole in Car Park A of Bullocks Flat Skitube Terminal, including groundworks required for light pole footing. The Light Pole will have three (3) LED flood lights of dimensions 400 millimetres x 750 millimetres.
- Groundworks required to provide electricity and communication cables to the light pole from the Skitube Terminal, including a 78-metre-long trench from the Terminal to the location of the Light Pole in the car park. The proposed trenching path (i.e. cable trenching route) will not impact sensitive vegetation but will intersect the garden bed to the south east of the Terminal.



Figure 1 | *Site Location Plan* identifying the location of Bullocks Flat Ski Tube Terminal within the subject site.

[Source: Applicant's Statement of Environmental Effects (SEE) 2024]

The subject site is located North of Alpine Way and has vehicle access from both the Alpine way, and Bullocks Drive to the East. Car Park A is located to the south east of the Skitube Terminal at Bullocks Flat. The car park is primarily used for the vehicles of Skitube commuters to the ski fields of Perisher Range (see **Figure 2**, **Figure 3**, and **Figure 4**).

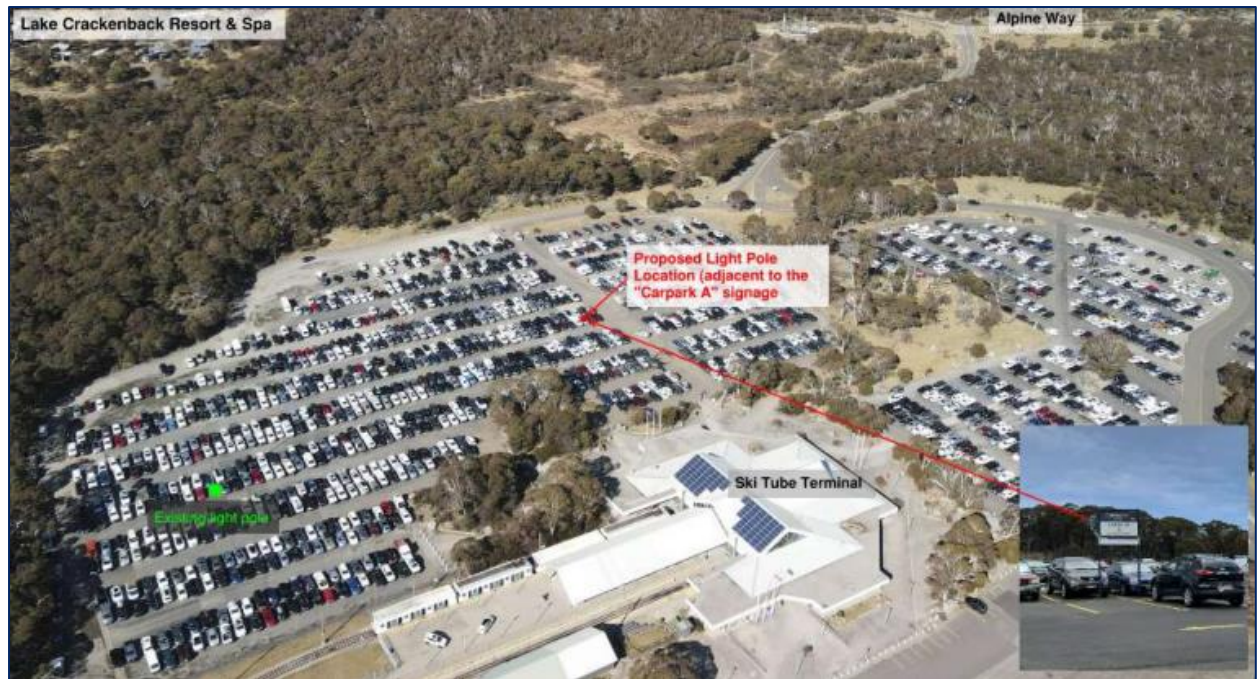


Figure 2 | Site Context Plan showing the location of the proposed Light Pole adjacent to existing signage identifying the car park (Source: Applicant's SEE 2024).



Figure 3 | View of an existing light pole on the site of which the proposed light pole is to replicate with regard to scale and appearance. (Source: Applicant's SEE 2024).

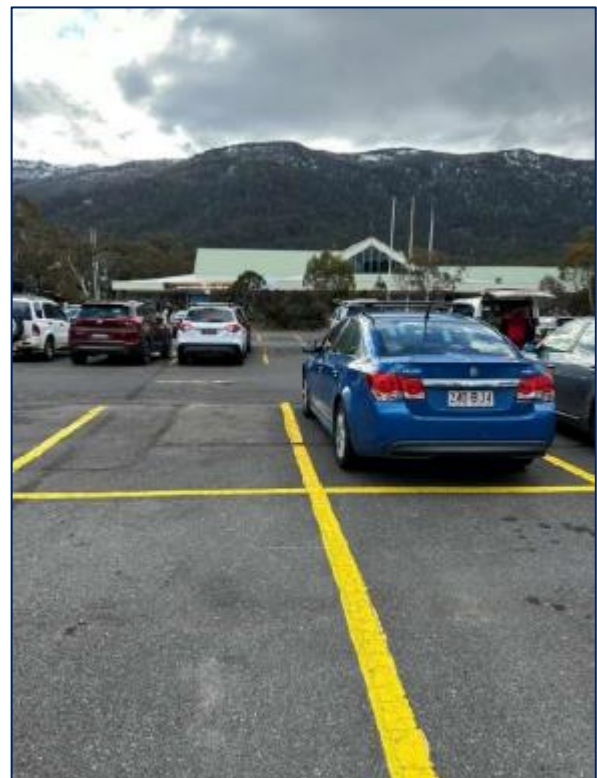


Figure 4 | View towards the Bullocks Flat Terminal Building from the Light Pole location in the car park. (Source: Applicant's SEE 2024).

The development area predominantly consists of disturbed areas of sealed (asphalt) car park adjacent to the Skitube Terminal. There is minimal vegetation within the boundaries of the car park with relatively small pockets of vegetation in the form of garden beds within the sealed areas of the site. The land within the Skitube terminal and immediate car park area is not shown as sensitive to vegetation clearing or having high biodiversity value on the NSW Biodiversity Values Map (BVM).

To the east of the site can be found bushland, the tourist accommodation development “Lake Crackenback Resort”, and sparsely located residential development. The Kosciuszko National Park (KNP) adjoins the site to the north, south and west.

The site is within the Perisher Blue Lease Area on land described as Lot 500 DP1171936.

The Applicant notes that the purpose of the development is to provide additional lighting in the Ski Tube car park to improve safety and security of guests and staff.

The estimated cost of works for the proposal is \$25,000.00.

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

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

2 Matters for Consideration

2.1 Strategic Context

South East and Tableland Regional Plan 2036

The South East and Tableland Regional Plan 2036 describes the vision, goals and actions that will deliver greater prosperity for those who live, work and visit the region. The plan provides an overarching framework to guide more detailed land use plans, development proposals and infrastructure funding decisions. In relation to the alpine resorts, the Regional Plan seeks to promote more diverse tourism opportunities in the Snowy Mountains that will strengthen long-term resilience while acknowledging the environmental and cultural significance of the locality.

The proposal is consistent with the Regional Plan as it would improve visitor infrastructure through providing additional lighting to the car park during night times or low-light, daytime conditions. The proposed development enables the resort to better service the needs and demands of the ski community which leads to continued visitation to the NSW ski resorts.

Snowy Mountains Special Activation Precinct Master Plan

Section 9.1.2 of the Master Plan relates to the Perisher Range and Section 9.4.3 to Car Parking. The plan identifies the role of the Skitube terminal in providing access to Perisher Valley and Blue Cow for the majority of overnight visitors. The proposal is consistent with the Master Plan as the works enhance the safety and security of the car park for users, enhancing the visitor experience, which supports an uplift in visitation. The works have considered the existing sensitive environment and landscape attributes of the Perisher Range and KNP.

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.

Draft South East and Tableland Regional Plan 2041

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

The proposal is consistent with the draft Regional Plan as it will not result in adverse biodiversity impacts and would enhance safety and security for both staff and visitors. This supports the maintenance of visitation to the Perisher Range Resort, along with the local and regional economy.

2.2 Permissibility

The proposal includes the installation of a 20 metre tall light pole and associated ground works ancillary to the use of the 'car park'. The light pole is for the purpose of the car park, and to a greater extent, to support the function of Skitube.

Pursuant to section 4.7 of the Precincts – Regional SEPP, 'Car parks' and 'The Skitube' are permissible with consent within the Bullocks Flat Terminal.

2.3 Mandatory Matters for Consideration

Objects of the EP&A Act

Table 1 | Objects of the EP&A Act

Objects of the EP&A Act	Consideration
(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,	<p>The proposal supports the ongoing use of Perisher Range Alpine Resort for tourism through altering and improving ski-related infrastructure, while minimising impacts on the environment through utilising the existing disturbed land within the car park and paved areas.</p> <p>The works to the site would have positive social and economic impacts by providing additional lighting to enhance the safety, and security, of guests and staff that use the car park and Skitube.</p>
(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,	<p>The proposal would not have an unacceptable impact on the environment thus being ecologically sustainable development. Mitigation measures during construction have been included in the recommended conditions of consent and impacts on biodiversity limited.</p>
(c) to promote the orderly and economic use and development of land,	<p>The Applicant comments the development's impacts are expected to be positive as the development will have a positive impact on ski resort operation by providing additional lighting to an area of the car park which is heavily used for guests and staff accessing Perisher via the Skitube – offering an improved guest experience.</p> <p>The Department raised no concerns with the proposal as the works contribute to enhancing transport infrastructure for Perisher Range 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. The proposed impacts upon vegetation do not occur within an area mapped on the Biodiversity Values Map (BVM). An assessment of the impacts is provided in Section 4 .
(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, in the event that an Aboriginal object is uncovered during completion of the works, all work is to cease and the object is protected from harm. The NPWS must then be notified to arrange for assessment of the object. No additional assessment is required.</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 the natural environment. See discussion in Section 4 .
(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,	The Department has recommended conditions of consent to ensure the proposal is undertaken in accordance with legislation, guidelines, policies and procedures to ensure the health and safety of people and animals who may be present in the area of works (refer to Appendix A).
(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,	The Department consulted with relevant government agencies and considered their responses (refer to Section 3 and Section 4).
(j) to provide increased opportunity for community participation in environmental planning and assessment.	<p>The proposal was made publicly available on the NSW Planning Portal in accordance with the Department's Community Participation Plan (refer to Section 3).</p> <p>Due to the works being more than 50 metres away from a tourist accommodation building, the Department did not exhibit the application.</p>

Considerations under section 4.15 of the EP&A Act

Table 2 | Section 4.15(1) Matters for Consideration

Section 4.15(1) Evaluation	Consideration
(a)(i) any environmental planning instrument (EPI)	<p>The Precincts - Regional SEPP is the principal EPI which applies to the site for this type of development. An assessment against the requirements of Chapter 4 of the Precincts - Regional SEPP is provided below.</p> <p>The Department is satisfied that the Application is consistent with the requirements of Chapter 4 of the Precincts - Regional SEPP.</p>
(a)(ii) any proposed instrument	Not applicable to the proposal.
(a)(iii) any development control plan	Not applicable to the proposal.
(a)(iiia) any planning agreement	Not applicable to the proposal.
(a)(iv) the regulations	<p>The application satisfactorily meets the relevant requirements of the EP&A Regulation, particularly the procedures relating to development applications (Part 3 and Part 4) and fees (Part 13 and Schedule 4).</p> <p>The Department has undertaken its assessment in accordance with all relevant matters as prescribed by the 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 proposed light pole is located within a car park and will for the majority of the works use the existing disturbed areas of the car park. Minor vegetation impacts are required for the provision of electricity and communication cables to the pole from the Skitube terminal – the vegetation is not considered sensitive vegetation and the impacts do not occur within an area

	mapped on the Biodiversity Values Map (BVM). Further assessment can be observed in Section 4 .
(d) any submissions made in accordance with this Act or the regulations,	Consideration has been given to submissions received from the NPWS. Refer to Section 3 and Section 4 of this report.
(e) the public interest.	<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 Perisher Range Ski Resorts.</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 3**.

No contamination within the site and surrounding area has been identified. There are no further matters under *State Environmental Planning Policy (Resilience and Hazards) 2021* that need to be considered.

Table 3 | Precincts - Regional SEPP, Chapter 4 considerations

Chapter 4 - Precincts - Regional SEPP - Kosciusko Alpine Region	
Section 4.9 Demolition	
The demolition of a building or work on land in the Alpine Region	No demolition of buildings is proposed under this DA.
Section 4.21 Heritage conservation	
European heritage	The proposal would not impact on any European heritage items.

Aboriginal heritage

NPWS raised no concerns with the proposal, with the Aboriginal cultural heritage assessment following a suitable process.

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.

Section 4.24 Flood planning

Development on land in the flood planning area

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

Section 4.25 Earthworks

Impact of earthworks

The installation of the light pole will involve minor ground disturbance to the existing sealed areas of the car park and Skitube terminal. A garden bed to the southeast of the terminal will be impacted by trenching required to extend power and communication cables from the Skitube Terminal to the light pole.

NPWS have recommended that any planting works/rehabilitation carried out within the garden should be comprised of native plants only in accordance with the Rehabilitation Guidelines for the Resort areas of Kosciuszko National Park.

Section 4.27 Consultation with National Parks and Wildlife Service

Consult with, and consider submissions from, the NPWS

The proposal was referred to NPWS and comments were received. Refer to consideration of 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) *(repealed in November 2023)*

(c) a conservation agreement under the *Environment Protection and Biodiversity Act 1999* of the

Not applicable to the development.

Commonwealth that applies to the land,

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

The site is not within the G zone identified on the Department's *Geotechnical Policy – Kosciuszko Alpine Resorts* Bullocks Flat Map.

The application is supported by a Geotechnical Assessment and Form 4 (Minimal Impact Certification) prepared by JK Geotechnics Pty Ltd.

The Geotechnical Assessment provides commentary and recommendations for installation of the proposed light pole, which would need to be implemented during construction.

- (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

The Perisher Range Resorts Master Plan (PRRMP) primarily applies to the ski resort villages of Guthega, Smiggin Holes and Perisher Valley within the area known as Perisher Range Resorts in KNP. The proposal has been considered against the relevant sections of PRRMP.

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

The proposal is consistent with the PRRMP as it contributes to the infrastructure which will support access to Perisher Range ski resorts from the Skitube Terminal at Bullocks Flat. Further to this, the proposal occurs in a manner that is consistent with the principles of Ecologically Sustainable Development.

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,

Refer to comments above.

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

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.

(i) the conservation of the natural environment, and

Natural hazards have been adequately addressed.

(ii) taking measures to mitigate environmental hazards, including

geotechnical hazards, bush fires and flooding,

- (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 light pole 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 environment of the Alpine Subregion in which the development is carried out,

The works proposed relate to the installation of a light pole. The development will not result in any changes to resource use or impact the 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, that cannot be supported, 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

No negative impacts to stormwater are anticipated. Measures to mitigate the adverse impacts of ground works have been considered previously. The impacts are considered to be acceptable.

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

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

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

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

Section 4.30 Kosciuszko National Park Plan of Management

Consistency between the development and the Kosciuszko National Park Plan of Management	The Department is satisfied that approval of the proposal would not be inconsistent with the 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 within an existing bitumen sealed car park and paved area adjoining the terminal building.

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

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 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.

Due to the works being more than 50 metres away from a tourist accommodation building, the Department did not exhibit the application. The application was however made available on the NSW Planning Portal. 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

NPWS

The National Parks and Wildlife Service (NPWS) did not object to the proposal and comments provided include the following:

- NPWS advised that the works are permissible under the Consolidated Mountain Lease held by Perisher Blue Pty Limited;
- Environmental protection measures are recommended during construction relating to the management of construction vehicle parking, stockpile management, waste, and measures for the protection of flora and fauna not associated with the area of works;
- Recommendation for any planting works/rehabilitation carried out within the garden should be comprised of native plants only, in accordance with the Rehabilitation Guidelines for the Resort areas of Kosciuszko National Park; and
- In the event that an Aboriginal object is uncovered during completion of the works, all work is to cease and that the object is protected from harm. The NPWS must then be notified to arrange for assessment of the object.

Additional NPWS recommended conditions for the management of impacts are identified in **Section 4**.

Public Submissions

As the application was not required to be publicly exhibited, as noted above, no public submissions were received.

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 submission from NPWS in its assessment of the proposal. The key issues in the Department's assessment of the proposal are:

- Impacts on biodiversity
- Construction impacts and access
- Visual impacts
- Impacts on the car park

Each of these issues are discussed below.

4.1 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

As mentioned in **Section 1**, the proposed installation of the light pole will not disturb any sensitive vegetation or Biodiversity Values Mapped land. The garden bed to the southeast of the Skitube terminal will be impacted by the digging required to provide an underground power connection to the light pole from the existing power supply of the Skitube terminal.

The NPWS raised no concerns with relation to the location of proposed works. NPWS has made recommendation for the rehabilitation of the vegetation impacted by the cable trenching route (i.e. the garden bed impacted to the south of the terminal).

The department has adopted the NPWS recommended condition that any planting works and/or rehabilitation carried out within the impacted garden bed should be comprised of native plants only in accordance with the Rehabilitation Guidelines for the Resort areas of Kosciuszko National Park.

The department considers that impacts to the environment have been sufficiently avoided and mitigated. Consequently, the impacts are considered to be acceptable.

4.2 Construction impacts and access

Access to the development site will be via the Alpine Way. Construction will occur in the summer season whilst the car park is not in use and construction material will be stored within the car park. Construction will occur at times where the limited noise and vibration can be managed appropriately to limit impacts on adjoining uses.

Construction management will be in accordance with the approved Site Environmental Management Plan (SEMP).

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 construction vehicles must be parked in existing driveways or car parks.

The Department also adopted the NPWS recommended conditions including stockpile management, waste, and measures for the protection of flora and fauna not associated with the area of works.

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 the proximity of the site or the environment.

4.3 Visual impacts

The visual impact of the works within the context of the ski fields and Main Range is a consideration for the Department as part of this application.

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 the site is partially screened by surrounding vegetation, 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 light pole whilst 20 metres in height it has a narrow profile, is to be powder coated woodland grey as such it is not considered to be visually intrusive in the environment where it is to be installed
- Due to the vegetation the boundaries of the property the visual impact of the new pole will be limited when viewed from the adjoining tourist accommodation
- The LED lighting has been designed to comply with all required Australian Standards
- It is reasonably expected that a car park will have infrastructure of this type erected

The Department also acknowledges that the proposed light pole appears consistent with the existing light pole with regards to scale and appearance (see **Figure 3**).

Considering the above, the Department concludes that the visual impacts are acceptable as the proposed light pole is not visible when viewed from the Main Range and is consistent with other lighting in the immediate locality.

4.4 Impacts on the car park

The Department has considered impacts to the car park from the proposal. The light pole and associated groundworks will impact the existing sealed (asphalt) areas of the car park and garden bed to the southeast of the Skitube Terminal. The light pole structure will be installed adjacent to the existing Car Park A signage and the base or footing for the light pole will be constructed within the area of one car parking space. Groundworks are required for the cable trenching to provide power and communication cables to the light pole from the Skitube Terminal.

The Applicant comments, due to the nature of the development there will be limited construction impacts. Appropriate sediment and erosion control will be in place during construction and the areas made good prior to operation.

The Department has recommended conditions to ensure remaining car parking spaces around the light pole will maintain dimensions and line-marking which meet the relevant requirements of the BCA/NCC and Australian Standards. Also, the Department has recommended conditions to ensure the light pole, shall if necessary, be suitably protected from vehicle impact.

The department has also adopted the NPWS recommended condition that any planting works and/or rehabilitation carried out within the impacted garden bed should be comprised of native plants only in accordance with the Rehabilitation Guidelines for the Resort areas of Kosciuszko National Park.

The department considers the impacts to the existing car park are reasonable with respect to the proposed development and potential detrimental impacts to the function of the car park have been sufficiently avoided and mitigated. Consequently, the impacts are considered to be acceptable.

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
- the construction and installation of the light pole will minimise impacts to the environment while enhancing the safety and security of the car park for users and promotes further reliance on the Skitube
- construction impacts are acceptable with impacts minimised, while acknowledging the works are consistent with the regional plan for the locality and supports visitation to the ski resorts
- the proposal is consistent with the requirements under the BC Act and EPBC Act.

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, Regional Assessments, as delegate of the Minister for Planning:

- **considers** the findings and recommendations of this report
- **accepts** and adopts the findings and recommendations in this report as the reasons for making the decision to grant consent to the application
- **agrees** with the key reasons for approval listed in the notice of decision
- **grants** consent for the application in respect of DA 24/2122, subject to the recommended conditions
- **signs** the attached Development Consent (**Appendix A**).

Recommended by:



Vince Di Bono
Planning Officer
Alpine Resorts Team

Adopted by:



20/5/2024

Erin Murphy
Team Leader
Alpine Resorts Team, Regional Assessments
as delegate of the Minister for Planning

Appendices

Appendix A – Recommended Instrument of Consent