



# Mount Perisher, Perisher Valley, Chairlift Replacement Modification

---

Modification Application Assessment (MOD 24/11703 (DA 10115 MOD 1))

November 2024

Published by the NSW Department of Planning, Housing and Infrastructure

[dphi.nsw.gov.au](http://dphi.nsw.gov.au)

Title: Mount Perisher, Perisher Valley, Chairlift Replacement Modification

Subtitle: Modification Application Assessment (MOD 24/11703 (DA 10115 MOD 1))

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 and Environment 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 (November 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
BCA	Building Code of Australia
BC Act	<i>Biodiversity Conservation Act 2016</i>
BC Regulation	<i>Biodiversity Conservation Regulation 2017</i>
BVM	Biodiversity Values Map
Consent	Development Consent
DCCEEW	Department of Climate Change, Energy, the Environment and Water
Department	Department of Planning, Housing and Infrastructure
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2021</i>
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
EPI	Environmental Planning Instrument
ESD	Ecologically Sustainable Development
KNP	Kosciuszko National Park
Minister	Minister for Planning
NPWS	National Parks and Wildlife Service
Planning Secretary	Secretary of the Department of Planning, Housing and Infrastructure
SEPP	State Environmental Planning Policy

# Contents

<b>1</b>	<b>Introduction .....</b>	<b>1</b>
<b>2</b>	<b>Matters for Consideration .....</b>	<b>7</b>
2.1	Strategic Context .....	7
2.2	Mandatory matters for consideration .....	8
2.3	Scope of modifications .....	9
2.4	Other approvals .....	10
<b>3</b>	<b>Submissions .....</b>	<b>11</b>
3.1	Department's engagement .....	11
3.2	Summary of submissions .....	11
<b>4</b>	<b>Assessment .....</b>	<b>12</b>
4.1	Visual impact .....	12
4.2	Modification to stations .....	15
4.3	Environmental impact of changes to stations .....	15
4.4	Geotech .....	16
4.5	Condition amendments .....	16
<b>5</b>	<b>Recommendation .....</b>	<b>18</b>
	<b>Appendices .....</b>	<b>19</b>
	Appendix A – Modification Report .....	19
	Appendix B – Submissions .....	19
	Appendix C – Notice of Modification .....	19



# 1 Introduction

This modification application seeks approval to modify development consent (DA 10115) for the replacement of the Mount Perisher double chairlift and adjoining triple chairlift with a new detachable six seat chairlift and other associated works on the ski slopes of Mount Perisher at Perisher Range Alpine Resort within Kosciuszko National Park (KNP).

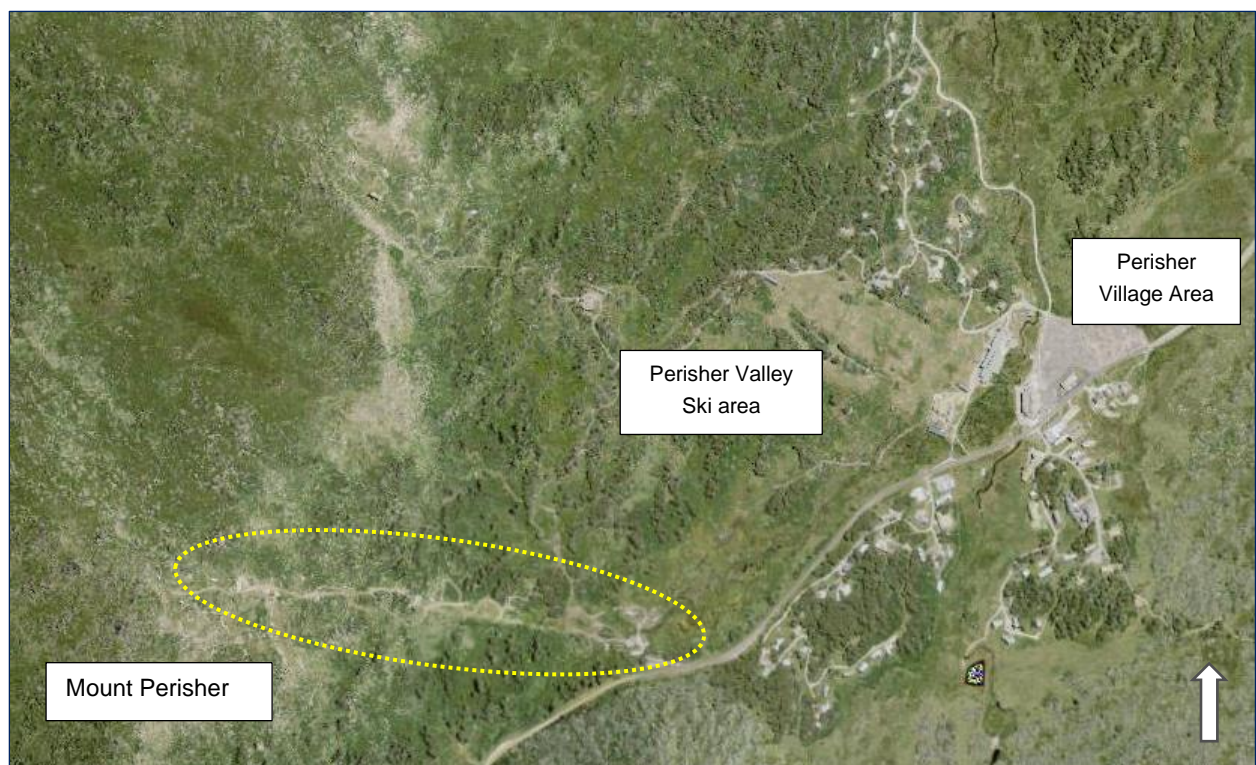
The application has been lodged by Perisher Blue Pty Ltd (the Applicant) pursuant to section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

The Minister for Planning is the consent authority for development within a ski resort in KNP and the proposal is permissible with consent under the provisions of *State Environmental Planning Policy (Precincts – Regional) 2021* (the Precincts – Regional SEPP).

## 1.1 Site context

The site is at Mount Perisher within Perisher Range Alpine Resort, which is in the southern part of KNP approximately 35 kilometres from Jindabyne. Perisher Range Alpine Resort is a winter based tourist destination incorporating a number of ski areas such as Perisher Valley, Smiggin Holes, Guthega and Blue Cow that provide beginner and intermediate skiing options.

The development site is located at the south-western extremity of the resort, within the Mountain Perisher Precinct (**Figure 1**). The immediate area comprises five chairlifts / T-bars servicing the Precinct, with the main infrastructure being the current Mount Perisher triple chairlift and the former alignment of the Mount Perisher double chairlift (removed prior to Winter 2024). Kosciuszko Road is also located to the south of the site, which provides summer and winter access to the site and adjoining areas.



**Figure 1 |** Site in context of Perisher Range Alpine Resort and adjoining areas (Source: SIX Maps 2024)

The development site is a long linear site stretching approximately 1200 metres (between an elevation of RL 1730 metres AHD and RL 2042 metres AHD) and includes two main sections, being the top and bottom sections over a disturbance area of 1.1 hectares.



Figure 2 | View of infrastructure at bottom of site prior to demolition commencing (Source: SIX Maps 2023)

## 1.2 Approval history

On 9 September 2021, the Team Leader of the Alpine Resorts Team, as delegate of then Minister for Planning and Public Spaces, granted consent to a Development Application (DA 10115) for the:

- removal of the existing Mount Perisher double and triple chairlift which incorporates bottom stations, lift towers, a haul ropes, and top stations
- removal of the existing NPSW communications hut and relocation of the Eyre T-bar bullwheel
- removal of two x 9000 litre underground fuel tanks located adjoining the current triple chairlift
- construction of a new detachable six seat chairlift, including new top and bottom station, a chair shed to store the detachable six seat chairs, an RFID gate and drainage line (**Figure XX and XX**)
- installation of snowmaking infrastructure, new skier bridges, and a culvert over Perisher Creek
- selected tree and rock removal and/or reduction and rehabilitation of the site
- associated works including an upgrade to an existing access track, communication cables and electrical transformers



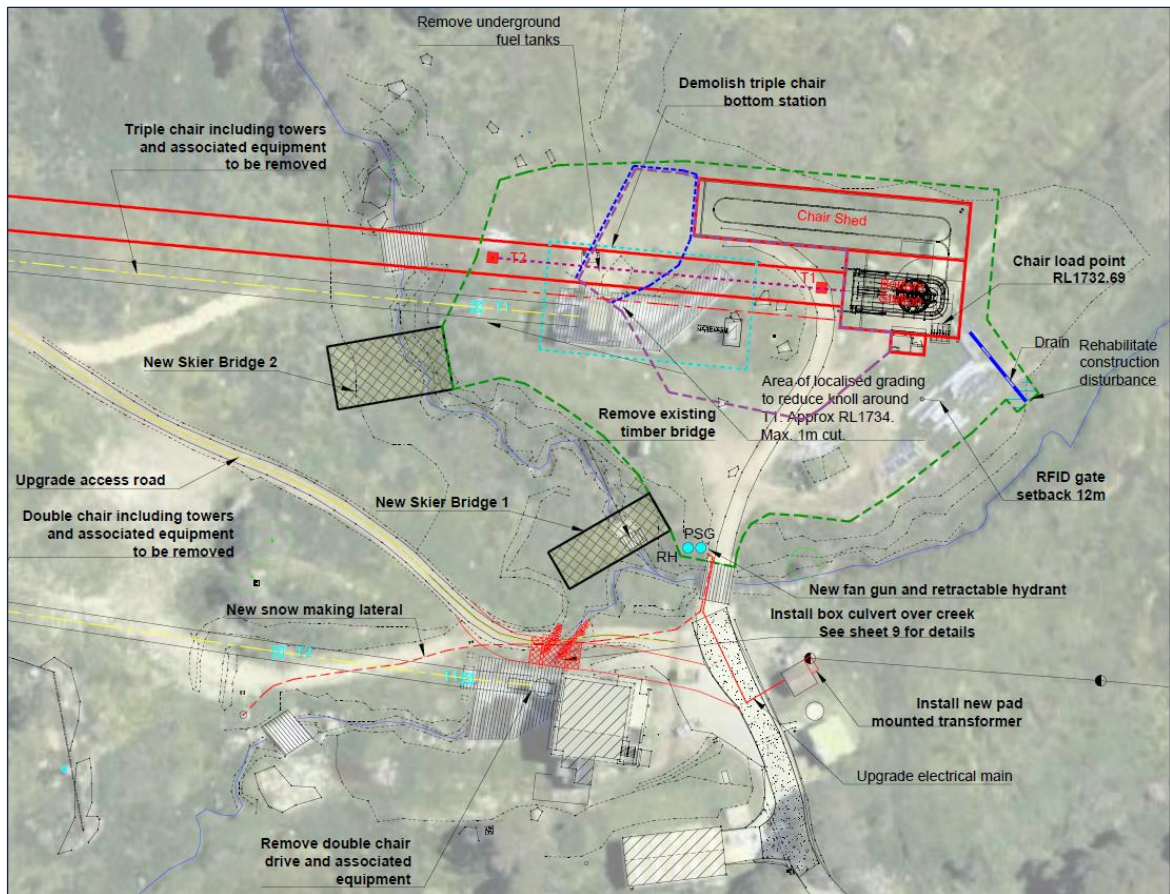


Figure 3 | Approved development at bottom station (Source: Applicant's original documentation)

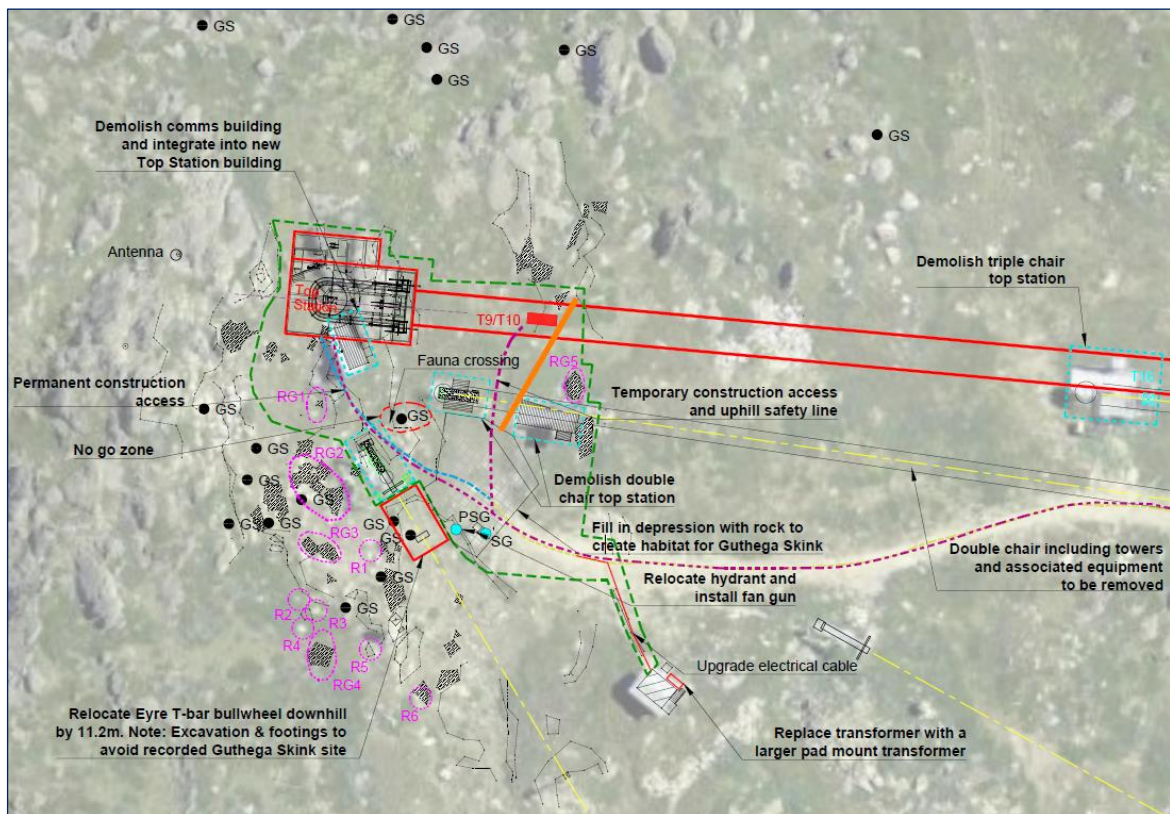


Figure 4 | Approved development at top station (Source: Applicant's original documentation)

### 1.3 Proposed Modification

The proposal to modify DA 10115 follows consideration of the limited construction season, inclement weather and the need by the Applicant to have the lift open for the 2025 winter season (as stated in the Applicant's supporting report). As a result of these considerations, staging of the top and bottom stations is proposed to enable the main infrastructure (Doppelmayr D-line stations) to be provided as Stage 1, while completion of the enclosure over stations would occur as part of Stage 2, should the Applicant choose to construct this component.

In addition, the Applicant seeks amendments to conditions to address the staging and seeks changes to other conditions. The proposed amendments to the approved stations and conditions are provided below. :

#### Bottom Station and chair shed

The Applicant intends to stage the bottom station as shown in **Figure 5**, with the main Doppelmayr station to be constructed as part of Stage 1 and the enclosure over the station to be completed as part of Stage 2. No timing has been provided for completion of the Stage 2 works. The Applicant comments that the staging and modified plans allows Perisher to open and operate the lift without the enclosed building.



Figure 5 | Elevation view of bottom station and carrier shed, with proposed Stage 1 (top without enclosure) and Stage 2 works illustrated (Source: Applicant's documentation)

In addition to staging of the works, other amendments to the bottom station include:



- a change of retaining walls from Gabion walls to Beton Blocks (northern side of the carrier shed)
- rearrangement of the ski chairlift maintenance area to the western end of the chair shed store
- rearrangement of the control hut floor plan with addition of personnel access stairs
- change of control hut cladding from timber (a rough sawn hardwood timber natural finish) to metal cladding ('Lysaght' cladding, 'Customorb' – Basalt)
- addition of personnel access door to chair storage shed and access stairs to chair storage shed
- minor carrier shed increase from 51.2 x 10.8 metres to 51.8 x 11 metres

## Top Station

The Applicant intends to stage the top station as shown in **Figure 6**, with the main Doppelmayr station to be constructed as part of Stage 1 and the enclosure over the station to be completed as part of Stage 2.

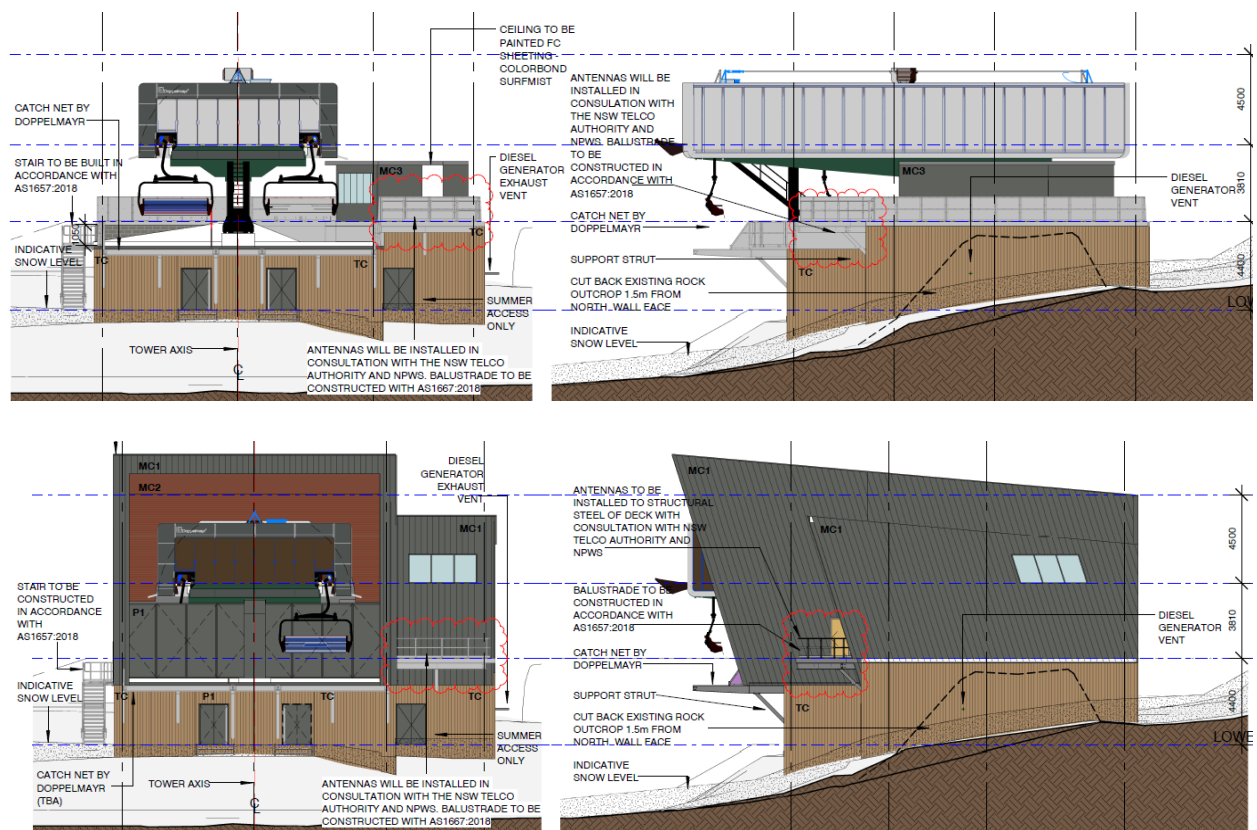


Figure 6 | Elevation view of top station, with proposed Stage 1 (top without enclosure) and Stage 2 works illustrated (Source: Applicant's documentation)

In addition to staging of the works, other amendments to the top station include:

- rearrangement of control hut space
- removal of maintenance area and associated platform
- addition of southern external access stairs

- change of finish to lift control hut to metal cladding
- addition of internal access doors to lower ground level spaces
- addition of perimeter balustrading to ground Level

### **Condition Amendments**

The Applicant has requested consideration of amendments to the following conditions (discussed in **Section 4** of this report):

- Condition A.2 – Development in accordance with approved documentation and plans
- Condition B.18 – Signage parameters
- Condition B.19 – Snow fences or permanent barriers parameters
- Condition E.9 – Works as executed or as built plans
- Condition E.13 – Statement of Completion (for works where no CC was required)

Supporting documents and supporting information 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 Department considers the proposal continues to be consistent with the Regional Plan as the proposal still provides a new chairlift facility within Perisher Range Alpine Resort to meet demands by members of the public and snow community, which leads to additional visitation to the NSW ski resorts. The amended proposal has only minor impacts upon the environment, while still be considered to be acceptable within the existing landscape.

#### Draft South East and Tableland Regional Plan 2041

The draft plan was publicly exhibited originally between 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 continues to be consistent with the draft Regional Plan as it will not result in adverse biodiversity impacts and supports the maintenance of visitation to the resort, along with the local and regional economy.

#### Snowy Mountains Special Activation Precinct Master Plan

The Snowy Mountains Special Activation Precinct Master Plan outlines the 40-year vision for the Snowy Mountains as a year-round tourist destination with new business opportunities, services and community infrastructure for the people that live, work and visit the region.

The Department considers that the proposal supports the vision of the Master Plan, while also ensuring impacts upon the environment have been considered against those previously approved. With the proposed amendments to construction timing and amendments to the stations, no additional matters arise that would impact the Master Plan.

#### Precincts – Regional SEPP

The Precincts – Regional SEPP governs development on land within the ski resort areas of KNP. Chapter 4 of the SEPP aims to protect and enhance the natural environment, to protect cultural heritage within the resorts and to ensure that development in the resorts is managed in a way that is compatible with the principles of ecologically sustainable development. Under the provisions of section 4.27 of the Precincts –



Regional SEPP, the NPWS has 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.

The Department considers the proposal continues to be consistent with Chapter 4 of the Precincts – Regional SEPP as the proposal continues to support recreational activities available within KNP, with potential impacts on the environment considered acceptable when noting the contained nature of the location of the modification works. In addition, should the Applicant only build Stage 1 (without the enclosure over the stations), the Department considers that the proposal is still visually acceptable within the Main Range landscape.

## **2.2 Mandatory matters for consideration**

The Department conducted a comprehensive assessment of the project against the mandatory matters for consideration as part of the original assessment of DA 10115. The Department considers this modification application does not result in significant changes that would alter the mandatory matters for consideration under section 4.15 of the EP&A Act and conclusions made as part of the original assessment.

### **Objects of the EP&A Act**

The Minister or delegate must consider the objects of the EP&A Act when making decisions under the Act. The Department is satisfied the proposed modification is consistent with the objects of the EP&A Act.

### **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 Department notes that while the site is mapped on the BVM, given the scope of the modification proposal, no additional impact on any BC Act considerations would occur. No additional vegetation management is required to facilitate the modification, with the works occurring within the existing approved disturbance area.

The Department also notes that there is currently no declared area of outstanding biodiversity value within Kosciuszko National Park.

### **Environmental Planning Instruments**

An assessment of compliance with the then *State Environmental Planning Policy (Kosciuszko National Park-Alpine Resorts) 2007* (the Alpine SEPP) was undertaken in the determination of the original

development application (DA 10115). The former Alpine SEPP was superseded by the Precincts – Regional SEPP in March 2022, and now the Precincts Regional SEPP is the EPI that applies to this application.

The Department has considered the current modification application against the provisions of the Precincts – Regional SEPP and is satisfied the modification proposal continues to be consistent with this EPI.

## 2.3 Scope of modifications

Section 4.55(1A) of the EP&A Act provides that a consent authority may, on an application being made by the applicant or any other person entitled to act on a consent granted by the consent authority, and subject to and in accordance with the *Environmental Planning and Assessment Regulations 2021* (EP&A Regulations), modify a consent if the following requirements in Table 1 are met:

**Table 1:** Consideration under Section 4.55(1A) of the EP&A Act

Section 4.55(1A) - Evaluation	Comment
(a) <i>That the proposed modification is of minimal environmental impact</i>	<p><b>Section 6</b> of this report provides an assessment of the impacts associated with the proposal.</p> <p>The Department is satisfied that the proposed modifications will have minimal environmental impact, being disturbance within the existing approved excavation / building works footprint. No additional vegetation removal required to facilitate the development.</p>
(b) <i>The development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all)</i>	<p>The proposal changes the approved development in terms of construction timing (due to limited construction season) and other minor modifications to building layouts.</p> <p>The Department is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted (i.e. for the demolition of existing ski lifting infrastructure and construction of a new chairlift and associated infrastructure).</p>
(c) <i>The application has been notified in accordance with the regulations</i>	<p>In accordance with the Department's Community Participation Plan (CPP), April 2024, the Department publicly exhibited the modification application for a minimum of 14 days and it was made publicly available on the NSW Planning Portal website (refer to <b>Section 3</b> of this report).</p>
(d) <i>Consideration of any submissions made concerning the proposed modification within the period prescribed by the regulations</i>	<p>The Department has considered the submissions received during the exhibition period (refer to <b>Section 3</b> and <b>4</b> of this report).</p>

Section 4.55(3) of the EP&A Act provides that in determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 4.15(1) as are of relevance to the development the subject of the application. The consent authority must also take into consideration the reasons given by the consent authority for the granting of the consent that is sought to be modified.

The relevant consideration under section 4.15(1) of the EP&A Act in relation to the proposed modifications is whether the impacts of the amendments upon the existing environment are appropriate and whether the staging of the proposal impacts upon the suitability of the development in the landscape. The Department's assessment in **Section 4** concludes that there will be minimal additional environmental impact (with the works already to be conditioned to have regard to impacts upon the environment), and the visual impact of the change to build potentially Stage 1 only considered to be acceptable when noting other ski lifting infrastructure similar to the proposed open stations at Perisher Range Alpine Resort.

Therefore, the Department is satisfied the proposed modification is within the scope of section 4.55(1A) of the EP&A Act and does not constitute a new development application. Accordingly, the Department considers that the application should be assessed and determined under section 4.55(1A) of the EP&A Act rather than requiring a new development application to be lodged.

## **2.4 Other approvals**

### **Water Management Act 2000**

As the original works occurred within forty (40) metres of Perisher Creek and its tributaries (works included excavation, drainage and building structures over Perisher Creek and its tributaries), an approval was required from then Department of Planning and Environment – Water (now known as the Department of Climate Change, Energy, the Environment and Water (DCCEEW)). The DPE-Water at the time issued General Terms of Approval for the development requiring the Applicant to obtain a Controlled Activity Approval under the *Water Management Act 2000* prior to the commencement of works.

It is noted that the Applicant has already completed construction of the boxed culvert over Perisher Creek, under an existing Controlled Activity Approval from DPE-Water.

Refer to **Section 3** for further discussion on this component in relation to the modification application.



## 3 Submissions

### 3.1 Department's engagement

The Department's Community Participation Plan (CPP), April 2024, prepared in accordance with Schedule 1 of the EP&A Act requires applications for modifications of development consent that are not required to be exhibited by the EP&A Regulations to otherwise be exhibited for a timeframe dependent on the urgency, scale and nature of the proposal.

In this regard, the Department also notes that the CPP advises that applications for development consent 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 50 metres away from a tourist accommodation building. The Department formed the view to make the application publicly available (due to the public interest in this application by the broad Perisher community) between 20 August 2024 and 2 September 2024 on the NSW Planning Portal website.

The application was forwarded to the DCCEEW pursuant to Section 4.46 of the EP&A Act (integrated development) as General Terms of Approval under the *Water Management Act 2000* is required for the development to be carried out and the National Parks and Wildlife Service (NPWS) pursuant to clause 4.27 of the Precincts – Regional SEPP.

Following the exhibition of the application, the Department placed copies of all submissions received on its website and forwarded these to the Applicant.

### 3.2 Summary of submissions

During the exhibition, the Department received comments from the DCCEEW and NPWS. No public submissions were received.

#### DCCEEW

The DCCEEW provided new General Terms of Approval covering the modifications proposed within this application. These included modifications to the bottom station, while the approved skier bridges and drainage outlet from the original consent is retained. The Applicant will need to obtain a new Controlled Activity Approval for works under the modification.

#### NPWS

NPWS provided initial comments on the modification application raising concerns that the visual impacts of the development under a Stage 1 scenario have not been fully assessed. Additional information was requested seeking a revised visual impact assessment, provision of additional renders of the Stage 1 scenario in the landscape and updated shadow diagrams.

The Applicant provided additional information to address NPWS comments. This is discussed in detail in **Section 4**. Following receipt of this information, the NPWS raised no further comments.

## 4 Assessment

In assessing the merits of the proposed modification, the Department has considered the:

- previous Environmental Assessment Reports for the proposal,
- the modification application and existing conditions of consent,
- submissions from government agencies, and
- matters for consideration under section 4.15(1) of the EP&A Act.

The Department considers the key assessment issues associated with the modification application are:

### 4.1 Visual impact

The visual impact of the proposed new chairlift within the context of the ski fields and the Main Range was a key issue in the original application. The chairlift and associated infrastructure would be visible from a number of areas, predominantly from Kosciuszko Road located to the south and partly through / above vegetation when viewed from the central car parking / village area to the northeast.

#### Original application considerations

During the assessment of the original application, the Department noted that the existing character of the site is that of a developed ski resort, with two chairlifts (Mt Perisher Double and Triple Chairlifts), existing access roads, top and bottom stations, haul ropes, lift towers and disturbed areas of vegetation (**Figure 7**). The ski slope has been developed to include ski runs, chairlifts, snowmaking equipment, a restaurant, workshops, and other ancillary facilities.



**Figure 7 |** Former bottom station (now removed) and ski run viewed from Kosciuszko Road (Source: Department inspection of original application)

The Applicant's original visual assessment stated that:

- the top station profile has been designed to be a low profile skillion and has a highest point at RL 2052.0m AHD at the front / RL 2050m AHD at the rear (shedding snow to the rear of the building), be lower than the rocky outcrop behind that has an RL of 2053 m AHD and RL 2054m AHD (**Figure 8**)
- views from Mount Tate and Mount Twynam were considered and the site was not highly visible, particularly with a dark natural tone colour palette would ensure its visibility was limited
- the bottom station and chair shed have been designed to achieve operational requirements and to be consistent with other lift structures within the resort



**Figure 8** | Impression of approved top station in relation to the adjoining rocky outcrop on site with enclosure over the station (Source: Applicant's original documentation)

The Department's assessment identified that the overall visual impact will be reduced in comparison to the existing two chairlifts. The proposal includes a top and bottom station and 10 towers, compared to the existing two bottom and two top stations, communications hut and combined 27 towers. The proposal will reduce the built form within the natural environment.

The Department concluded that the proposal is not envisaged to have an adverse visual impact as:

- the proposed top station is within proximity of the adjoining rocky outcrop which would assist in screening the works, along with the materials and finishes, from the Main Range
- the new chairlift reduces the overall visual impact from other areas of the resort and Kosciuszko Road, however, is of a similar nature
- the new bottom station is similar to other ski slope infrastructure further towards Front Valley such as the Quad Express chairlift bottom station and compliments adjoining buildings (Powder Inn and mechanical workshop)

### **Modification considerations**

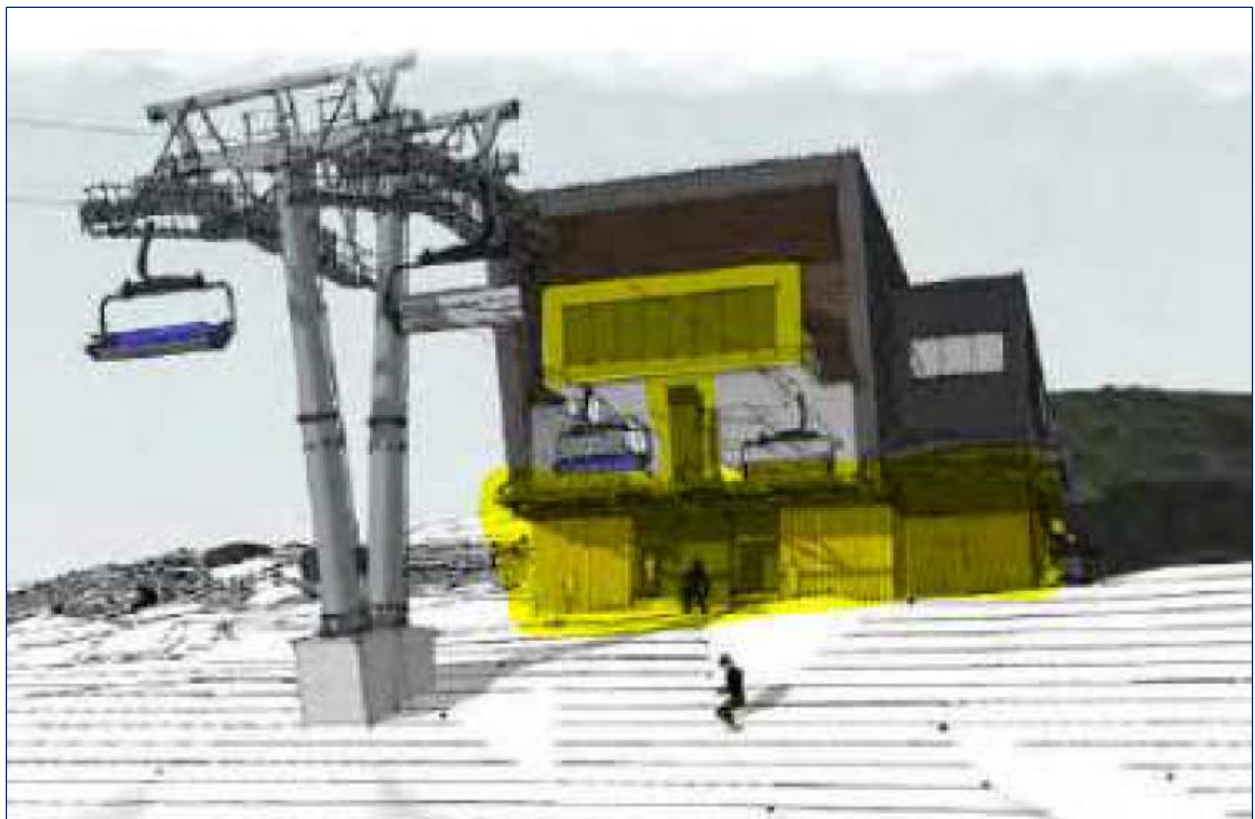
The Applicant comments that a consideration of the visual impact of the proposed modification is limited to the stage 1 construction of the top and bottom stations, as the approved roof structures, which will be



constructed in stage 2 after commencement of operation of the chairlift, were considered to achieve an acceptable visual impact and as such do not form part of this assessment.

To support the stage 1 visual impact considerations, the Applicant further comments that the:

- Stage 1 top station is of a lower scale to Stage 2 as it does not include the roof and upper side wall elements. Due to the removal of these elements from Stage 1 the structure will be of a reduced height and scale and have visual permeability through to the landscape behind, resulting in a reduced visual impact when compared to the approved stage 2 design.
- The stations as constructed in stage 1 will have visual permeability to the landscape beyond and are consistent with the design of other chairlift stations in the resort. The colours and materials used are low reflective and in colours that blend with the natural environment. The approved chairlift top station sits below the top of the ridgeline and is replacing two chairlifts and as a result is an expected element in the landscape.
- The stage 1 top station built form will have a lower height to stage 2 as stage 1 effectively sits within the final stage 2 station. As seen in the approved rendered images of the stage 2 structure (**Figure 9**). Visual impact is reduced when a structure is anticipated in the environment. Stage 1 is consistent with the visual form of other such infrastructure in the resort and is of a form which is expected in the environment.



**Figure 9 |** Impression of approved top station and Stage 1 works (highlighted yellow) (Source: Applicant's modification documentation)

The Department's assessment has considered the proposed works to be completed under stage 1, the existing landscape and existing ski lifting infrastructure within the Perisher landscape.

The stage 1 works would complete the main lifting components of the developments, with the exception of the covered roof. This would be consistent with other ski lifting infrastructure such as the Village 8 and Leichhardt chairlifts within the immediate locality. Maintaining the top station in the existing landscape, with the completion of the ground floor slab, no additional views would be impacted than previously considered acceptable with completion of the stage 1 works.

The visual impact of the stage 1 component therefore does not raise any adverse visual impact as the completion of stage 1 works would be consistent with other existing infrastructure and continues to be incorporated within the landscape. Were the Applicant to construct stage 2 in the future, this visual impact was previously considered acceptable during consideration of the original application.

The Department raises no concerns with the proposal to stage the construction.

## **4.2 Modification to stations**

The Applicant states that the modifications to the stations follows further detailed architectural, engineering review and construction optimisation. In addition, further consideration by Doppelmayr (the chairlift construction company) has resulted in modifications to the antenna location on the top station.

The Department's assessment considers that the amended station designs are capable of being undertaken with minimal impacts upon the environment and is capable of meeting compliance with the required building code requirements which would be subject to further consideration by the Applicant's Principal Certifier during consideration of a new or modified Construction Certificate.

This aspect of the proposed modification is supported.

## **4.3 Environmental impact of changes to stations**

The proposed amendments to include staging and alterations to the top and bottom station structures, with particularly reference to completion of the enclosed building over the top and bottom stations as part of stage 2.

NPWS reviewed the original modification documentation and sought additional commentary on any potential environmental impacts from the modification design.

The Applicant has responded to this request and advises that with the staging of the development and the minor changes to the size of the chair store and bottom station operators hut, the works are wholly within the mapped "development footprint" as shown on the BDAR plans. These have no impact on assessed or different biodiversity values. There would be no new impacts resulting from the proposed modification, at the completion of stage 1 the structure will have the same (or similar in the case of the bottom station) to the approved development and will in practice have less impact than stage 2 with respect to overshadowing. Stormwater runoff will be managed as per the existing approval and the staging of the development and the minor change to the size of structures at bottom station will not increase the post development impacts.

NPWS reviewed the Applicant's response and commented that there won't be any environmental impacts beyond those assessed in the BDAR proposal.

The Department is satisfied that with the staging of the development and along with the amendments to the bottom and top station structures, this would not have additional environmental impacts than those already supported during the original assessment of the application.

## 4.4 Geotech

During the assessment of the original application (DA 10115), in accordance with the Department's Geotechnical Policy, the Applicant provided a Form 1 (Declaration and certification made by a geotechnical engineer or engineering geologist in a geotechnical report) and supporting geotechnical documentation.

Documentation received supporting the proposed modification includes an amended Form 1 and amended geotech report, which references the amended architectural plans and supports the changes to the design of the chairlift bottom and top stations, including the amended retaining wall along the western side of the carrier shed.

The revised recommended conditions require compliance at all times with the prepared geotechnical documentation and the recommendations contained within to ensure risks associated with the development are mitigated or reduced to the fullest extent possible.

## 4.5 Condition amendments

The Applicant sought amendments to the following:

- Condition A.2 – Development in accordance with approved documentation and plans
- Condition B.18 – Signage parameters
- Condition B.19 – Snow fences or permanent barriers parameters
- Condition E.9 – Works as executed or as built plans
- Condition E.13 – Statement of completion

Each of the above amendments sought by the Applicant are discussed below.

### Condition A.2 – Development in accordance with approved documentation and plans

With the proposed amendments to the bottom and top stations, Condition A.2 plan reference requires amendment to refer to the submitted plans and supporting modification reports.

Amended conditions are recommended in **Appendix C**.

### Condition B.18 – Signage parameters and B.19– Snow fences or permanent barriers parameters

The Applicant seeks an amendment to the Conditions to refer the Precincts Regional SEPP instead of the Alpine SEPP. With the adoption of the Precincts-Regional SEPP in 2021, the Department supports amending the conditions to reflect the updated SEPP reference.

Amended conditions are recommended in **Appendix C**.

### Condition E.9 – Works as executed or as built plans

Condition E.9 requires within 12 months of the issue of the relevant occupation certificate, a works as executed and / or as built survey plan of the constructed Development be furnished to the Secretary or nominee. This would identify the final location of the constructed development, including the above and below ground works.



The Applicant seeks to amend this requirement to provide only works as executed plans for underground services on the basis that any visible part of the development does not require works-as-executed or as-built plans as the development is subject to a Construction Certificate, inspection and Occupation Certificate regime, requiring the constructed development to be consistent with the approved development (stamped plans). The Applicant also refers to the Department's Standard Residential Condition set which identifies the inclusion of a works executed plans and any other documentary evidence be provided before the issue of the relevant occupation certificate.

The Department has considered the Applicants request and has recommended retention of the condition as provided to ensure all the works, including underground services and the above structures, are documented and certification provided. This is consistent with previous approvals across all resorts.

The Department notes that the Department's Standard Residential Condition set also refers to provision of 'surveys by a registered surveyor' during construction to ensure the buildings are sited and positioned in the approved location (predominantly focused on property boundaries in the majority of cases). The Department has however not conditioned this requirement and considers provision of this information within 12 months of the completion is appropriate (noting no boundaries would be impacted by the construction) and enables construction to be completed rather than a survey undertaken on each structure that may have the potential to impact upon overall construction timing.

The condition is therefore recommended to be retained.

While noting the above, a separate set of standard Alpine specific conditions is under consideration by the Department, with a review of standard conditions utilised by the Departments other assessment teams and also relevant Council condition sets. The Applicant's position on this condition is noted.

#### **Condition E.13 – Statement of completion (for works where no CC was required)**

Condition E.13 requires the Applicant to obtain a 'Statement of Completion' from the Department for works where a Construction Certificate was not issued in order for the works to be carried out. This includes items such as the upgrade to the access track and rehabilitation of the site.

The Applicant seeks to amend this requirement to enable the submission of this information without the requirement for the Department to issue the 'Statement of Completion' commenting that the Department has no statutory power to issue this statement.

The Department applies Statement of Completion requirements for works not requiring Construction Certificates in the Alpine Resorts to confirm that works within the condition, such as rehabilitation of the site, have been satisfactorily completed. This enables a confirmation process rather than self certification by the Applicant, which ensures if not carried out appropriately in the first instance, additional work to address any concerns can be raised.

The condition is therefore recommended to be retained.

## 5 Recommendation

The Department has assessed the modification application and supporting information in accordance with the relevant requirements of the EP&A Act and considered the submissions provided by the DCCEEW and NPWS.

The Department's assessment concludes that the proposed modification is appropriate as it is substantially the same development as originally approved; the proposed modifications to conditions are acceptable; the proposal continues to comply with the Precincts – Regional SEPP provisions; all submissions received during the assessment of the application have been considered; and the proposal does not result in any additional matters that required consideration under section 4.15(1) of the EP&A Act.

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

The Department therefore recommends that the application be approved, subject to changes to the existing conditions of consent (**Appendix C**). In accordance with the Minister's delegation dated 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 15 public submissions in the nature of objections, and
- the application is in relation to land 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
- **determines** that the modification application MOD 24/11703 (DA 10115 MOD 1) falls within the scope of section 4.55(1A) of the EP&A Act
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to approve the modification
- **modifies** the consent DA 10115
- **signs** the attached approval of the modification (**Appendix C**).

**Recommended by:**



**Mark Brown**

Team Leader, Assessments

Alpine Resorts Team, Regional Assessments

**Adopted by:**



**Daniel James**

Team Leader

Alpine Resorts Team, Regional Assessments

as delegate of the Minister for Planning

# Appendices

## Appendix A – Modification Report

The following supporting documents and supporting information to this assessment report can be found on the NSW Planning Portal website as follows:

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

## Appendix B – Submissions

The Department made the application publicly available (due to the public interest in this application by the broad Perisher community) between 20 August 2024 and 2 September 2024 on the NSW Planning Portal website.

The application was forwarded to the DCCEEW pursuant to Section 4.46 of the EP&A Act (integrated development) as General Terms of Approval under the *Water Management Act 2000* is required for the development to be carried out and the National Parks and Wildlife Service (NPWS) pursuant to clause 4.27 of the Precincts – Regional SEPP.

No submissions from the public were received.

## Appendix C – Notice of Modification