

S4.15 CONSIDERATIONS OF MODIFICATIONS TO DA10115

This document is an addendum to the S4.55 Modification Report dated July 2024 prepared by Dabyne Planning and is to be read in conjunction with that document.

Only the modified elements subject of this application MOD 24/11704 (MOD 1) will be considered against the provisions of S4.15, as the development as a whole was approved by DA10115 in which consideration was given to its compliance with S4.15.


1 Matters referred to in section 4.15 (1)

1.1 The provision of any environmental planning instrument

1.1.1 State Environmental Planning Policy (Precincts Regional) 2021

The development is subject to the provisions of Chapter 4 – Kosciuszko Alpine Region, of the Precincts Regional SEPP. Table 1 below demonstrates compliance with the relevant provisions of chapter 4.

Table 1 -Chapter 4 Precincts Regional SEPP Compliance

	Department of Planning Housing and Infrastructure
	Issued under the Environmental Planning and Assessment Act 1979
	Approved Section 4.55 (1A) Modification Application
	No MOD 24/11703 (DA 10115 MOD 1)
	Granted on the 15 November 2024
	In respect to DA 10115
Signed	M Brown
Sheet No	90 of 91

PROVISION	COMPLIANCE/COMMENTS
PART 4.1 AIM AND OBJECTIVES OF CHAPTER	
(1) The aim of this Chapter is to protect and enhance the Alpine Region by ensuring development is managed with regard to the principles of ecologically sustainable development, including the conservation and restoration of ecological processes, natural systems and biodiversity.	<p>The proposed modifications are consistent with the aims of the chapter. Due to the short construction season, inclement weather and the need to have the lift open for the 2025 winter season, the top and bottom stations are each to be constructed in two stages, and the plans are proposed to be modified accordingly.</p> <p>Due to their nature and scale the modifications have no impact on natural systems and biodiversity and allow for a development which is consistent with the principles of ecologically sustainable development.</p>
(a) to encourage the carrying out of a range of development to support sustainable tourism in the Alpine Region all year round, if the development does not result in adverse environmental, social or economic impacts on the natural or cultural environment of the Alpine Region, including cumulative impacts on the environment from development and resource use,	The modification allows for the construction of the approved chairlift in stages and therefore supports sustainable tourism in the Alpine Region. The modifications have no adverse environmental social or economic impacts on the environment of the Alpine region.
(b) to establish planning controls	Not applicable
(c) to minimise the risk to the community of exposure to environmental hazards, particularly geotechnical hazards, bush fires and flooding, by—	<p>(c)(i) Approval is being sought for a modification to an approved development.</p> <p>(c)(ii) Not applicable as the objective relates to the preparation of planning controls.</p>

<p>(i) generally requiring development consent on land in the Alpine Region, and</p> <p>(ii) establishing planning controls for buildings to ensure the safety of persons using the buildings if there is a fire.</p>	
<p>4.2 Land to Which Chapter Applies.</p>	<p>The proposed development is within the Perisher Range Alpine Resort Subregion.</p>
<p>4.3 Definitions</p>	<p>The modifications do not change the use approved by DA10115 which was for a lifting facility defined in Schedule 4A – Dictionary to Chapter 4 as:</p> <p><i>lifting facility means a motorised system used for transport, and includes the following—</i></p> <p>(a) a ski lift that uses an overhead rope or cable, including a chair lift, gondola, T-bar or J-bar,</p> <p>(b) a ski carpet or conveyor belt.</p>
<p>PART 4.2 PERMITTED OR PROHIBITED DEVELOPMENT</p>	
<p>4.7 Land Use Table</p>	<p>The proposed modification is to the development application approval for the Mt Perisher six seat chairlift which is defined as “lifting facilities” which is a permissible use in the Land Use table and therefore is permitted development in the subregion.</p> <p><u>Perisher Range Alpine Resort</u></p> <p>1 Permitted without consent</p> <p>Nil</p> <p>2 Permitted with consent</p> <p>Advertising structures; Building identification signs; Business identification signs; Car parks; Commercial premises; Community facilities; Depots; Eco-tourist facilities; Emergency services facilities; Entertainment facilities; Environmental facilities; Environmental protection works; Fences; Function centres; Helipads; Information and education facilities; Infrastructure facilities; Lifting facilities; Management trails; Medical centres; Monitoring stations; Places of public worship; Public utility undertakings; Recreation facilities (indoor); Recreation facilities (outdoor); Recreation infrastructure; Ski slope huts; Ski slopes; Snow-making infrastructure; Staff accommodation; Telecommunications facilities; The Skitube; Tourist and visitor accommodation; Transport depots; Vehicle repair stations</p> <p>3 Prohibited</p> <p>Bed and breakfast accommodation; Farm stay accommodation; Any other development not specified in item 1 or 2</p>
<p>4.8 Subdivision</p>	<p>Not applicable</p>
<p>4.9 Demolition</p>	<p>Not applicable – the modification does not include any further demolition than that which was approved by DA10115</p>
<p>4.10 Temporary Use of Land</p>	<p>Not applicable</p>
<p>PART 4.3 EXEMPT AND COMPLYING DEVELOPMENT - Not applicable</p>	
<p>PART 4.4 OTHER DEVELOPMENT CONTROLS</p>	

4.14 Development by Crown, public authorities, or Snowy Hydro	Not applicable the development is not being carried out on behalf of the Crown, public authorities or Snowy Hydro.
4.15 Development on land on Kosciuszko Road and Alpine Way	Not applicable – the development is not proposed on land identified in Schedule 16 of the National Parks and Wildlife Act 1974
4.16 Development near Kangaroo Ridgeline	Not applicable - this clause only applies to land identified as Kangaroo Ridgeline” on the State Environmental Planning Policy (Precincts—Regional) 2021 Charlotte Pass Alpine Resort Map. The proposed development is not on land identified in the subject map.
4.17 Classified roads	The lot on which the development is proposed does not front a classified road and therefore this section is not applicable.
4.18 Bush fire hazard reduction	Not applicable
4.19 Public utility infrastructure	The modifications do not require additional connections to or impact on existing assessed requirements for reticulated power, water or sewer.
4.20 Conversion of fire alarms	Not applicable
4.21 Heritage conservation	There are no historic heritage items, aboriginal heritage items or places being impacted by the proposed modifications. See below for further information on the impact of the development on Aboriginal Cultural heritage and historic heritage.
4.22 – 4.24 Conservation incentives, Eco-tourist facilities and Flood planning	Not applicable
4.25 Earthworks	Earthworks to facilitate the development were approved in DA10115 and whilst there is proposed a minor increase in size to the approved footprint of the bottom station chair store and lift operators hut, this is within the bounds of the existing approved disturbance area. As such the existing conditions of consent relating to groundworks do not require amendments to facilitate the modifications.
PART 4.5 DEVELOPMENT ASSESSMENT AND CONSENT	
4.26 Master plans	The Snowy Mountains Special Activation Precinct Master Plan 2022 applies to the subject site and the development is consistent with the provisions of the plan.
4.27 Consultation with National Parks and Wildlife Service	Consultation will be carried out by the assessing officer in relation to this modification application in accordance with these provisions.
4.28 Consideration of master plans and other documents (1) In deciding whether to grant development consent to development in the Alpine Region, the consent authority must consider the following— (a) the aim and objectives of this Chapter set out in section 4.1	See consideration of the proposed development against the aim and objectives of Chapter 4 above.
(c) a conservation agreement under the Environment Protection and Biodiversity Conservation Act 1999 of the Commonwealth that applies to the land,	Not applicable there is no known conservation agreement applying to the subject land.
(d) the Geotechnical Policy — Kosciuszko Alpine Resorts published by the Department in November 2003,	A memo from the Geotech engineer and an updated form 1 have been submitted as part of this modification application to ensure compliance with the requirements of the policy.

<p>(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</p>	<p>The modification does not trigger further assessment against the requirements of the Perisher Range Resorts Master Plan as the approved development is consistent with the plan and the modifications do not seek to change the use and merely seek to stage the development with resulting minor changes to the approved structures.</p>
<p>(e)(ii) the Perisher Blue Ski Resort Ski Slope Master Plan adopted by the National Parks and Wildlife Service in May 2002.</p>	<p>The modification does not trigger further assessment against the requirements of the Perisher Blue Ski Resort Ski Slope Master Plan as the approved development is consistent with the plan and the modifications do not seek to change the use and merely seek to stage the development with resulting minor changes to the approved structures.</p>
<p>(2) In deciding whether to grant development consent to development in the Alpine Region, the consent authority must consider— (a) a master plan approved by the Minister under section 4.26 that applies to the land,</p>	<p>Snowy Mountains Special Activation Precinct Master Plan 2022 applies to the land. The proposed modifications are in compliance with the requirements of the Master Plan.</p>
<p>4.29 Consideration of environmental, geotechnical, and other matters (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,</p>	<p>A memo from the Geotech engineer and an updated form 1 have been submitted as part of this modification application to ensure compliance with the requirements of the policy.</p>
<p>(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,</p>	<p>The proposed modifications are of minimal environmental impact due to their nature and scale. No additional measures to those required for the approved development are necessary to mitigate environmental hazards. As such there is no further impact on the natural environment from the proposed modifications.</p>
<p>(c) the visual impact of the proposed development, particularly when viewed from the land identified as the Main Range Management Unit in the Kosciuszko National Park Plan of Management,</p>	<p>An assessment of visual impact of the proposed modifications is limited to the stage 1 construction of the top and bottom stations. 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. The visual assessment of the approved chairlift structure (Stage 2) can be found in the stamped Statement of Environmental Effects for DA10115. It has been accepted in the approval of DA10115 that Stage 2 will be mostly obstructed when viewed from the Main Range, due to the rocky outcrop behind and the building will therefore not dominate the skyline.</p> <p><u>Top Station Stage 1 Visual Impact</u> 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</p>

	<p>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.</p> <p><u>Bottom Station Stage 1 Visual Impact</u></p> <p>The stage 1 design of the bottom station will only have a minor change when viewed from each elevation. Due to its location the bottom station it is not highly visible, and the change proposed to allow for the staging of the construction will have little to no visual impact.</p>
(d) the cumulative impacts of development and resource use on the environment of the Alpine Subregion in which the development is carried out,	The proposed modifications have no additional cumulative impacts over and above those which were assessed as acceptable in the original development approval.
(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,	The proposed modifications have no additional impacts or requirements for the provision of infrastructure above those which were assessed as acceptable in the original development approval.
(f) the capacity of existing waste or resource management facilities to deal with additional waste generated by the development, including in peak periods.	The modification will not impact upon waste or resource management facilities.
(2) For development involving earthworks or stormwater drainage works, the consent authority must also consider measures to mitigate adverse impacts associated with the works.	The proposed modification requires no additional earthworks over that which were assessed as acceptable in the original development approval.
(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 (b) how the development will relate to the Alpine Subregion.	The proposed modifications will be in keeping with the character of the site being a ski area and do not impact on the use which was approved by DA10115.
4.30 Kosciuszko National Park Plan of Management	The proposed modifications are consistent with the relevant provisions of the Kosciuszko National Park Plan of Management.

1.1.2 State Environmental Planning Policy (Resilience and Hazards) 2021

The proposed modifications do not trigger further assessment against the provisions of the resilience and SEPP Resilience and Hazards due to their nature and scale. The site has been deemed suitable for the development by approval of DA10115 with respect to site contamination and the modifications proposed do not trigger any additional requirement for remediation.

1.2 Any proposed instrument

There are no proposed instruments relating to the subject site.

1.3 Any development control plan

There is no development control plan applying to the subject site.

1.4 Any planning agreement

There are no planning agreements applicable to the subject site.

1.5 The Regulations

The proposed modification complies with the relevant requirements of the Environmental Planning and Assessment Regulation 2021.

1.6 The likely Impacts of the development

1.6.1 Biodiversity and Impacts on Aquatic Ecosystems

The staging of the development and the minor changes to the size of the chair store and bottom station operators hut which are wholly within the mapped “development footprint” as shown on the BDAR plans have no impact on assessed or different biodiversity values. There are 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) ground disturbance 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.

As such based on the nature of the proposed modification it will not increase the impact on biodiversity values, and an updated BDAR is not required. Evidence of discharged biodiversity offset obligations have been provided to DPHI prior to the issue of the first construction certificate.

1.6.2 Aboriginal Cultural Heritage

The staging of the approved development and the minor changes to the building design do not trigger additional due diligence requirements. All works are proposed within the areas which have been included in the original cultural heritage assessment and conditions of consent relating to unexpected finds will not be impacted by the approval of the modifications.

1.6.3 Historic Heritage

The proposed modifications will have no impact on historic heritage.

1.6.4 Visual Impacts

As proposed modification is to stage the development, it is the visual impact of stage 1 that needs to be considered as the visual impact of stage 2 was assessed at the time of the original approved development application and deemed acceptable.

As such the visual impact being assessed in this modification is that of the stage 1 top and bottom stations without the addition of a shed/roof enclosure over the top and bottom stations.

As shown in the illustrations below the approved structures (stage 2) are larger in bulk, height and visual impact to the stage 1 stations.

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 1 below). 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.



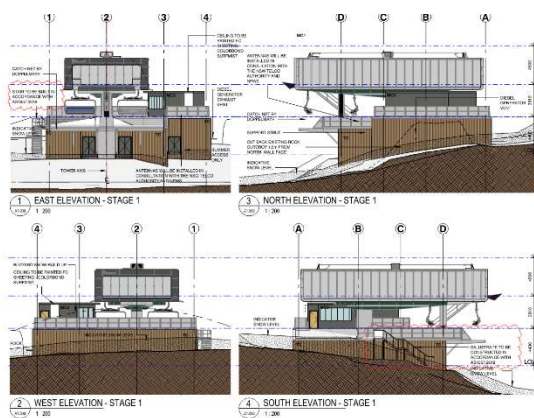
Figure 1 - Stage 1 structure highlighted in yellow, in context of the approved stage 2 shed structure



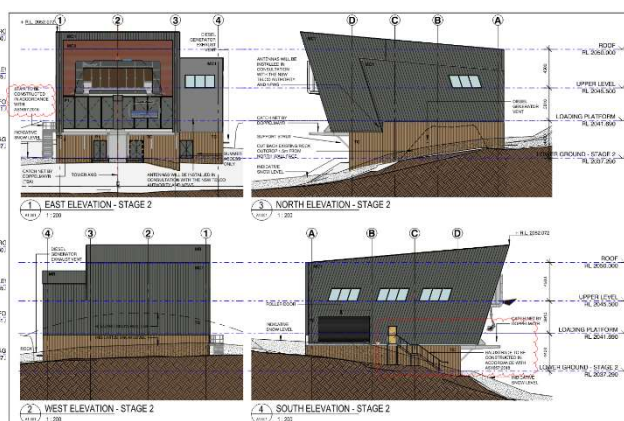
Figure 2 - Standard 3D view of a Doppelmayr D-line top station providing an example of the stage 1 top station design.

Below are the architectural drawings submitted with the modification depicting the stages for the top and bottom station. It is clear when viewed side by side that there is a reduction in visual impact at stage 1 of the project.

Top Station Elevations – Stage 1

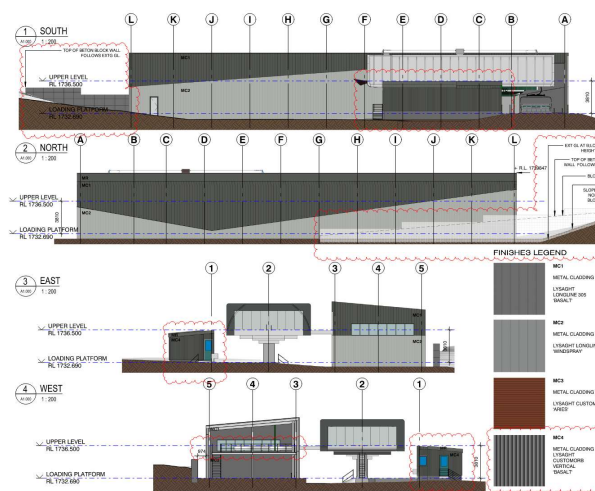


Top Station Elevations – Stage 2

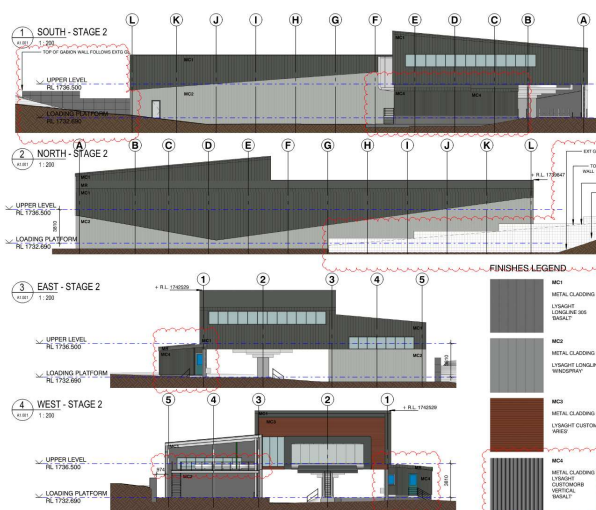


Elevations of the top station illustrate the visual permeability of the structure prior to being enclosed in the approved stage 2 design.

Bottom Station Elevations – Stage 1



Bottom Station Elevations – Stage 2



Due to the design of the bottom station including both a chair store shed and the freestanding operator's room, north and south elevations in both stages are almost identical and there is very little difference in visual impact between the stages even when viewed from the east and the west.

The visual impact of stage 2 has been considered acceptable in the approval of the chairlift and as evidenced above the stage 1 design is of a smaller scale to that which is approved the modification will have no negative visual impact allowing for the staged construction of the development to occur.

1.6.5 Effects on Ski Resort Operation

The proposed modifications have been designed in consultation with Mountain Operations staff to ensure any minor impacts on ski resort operation can be managed appropriately.

1.6.6 Social and Economic Impacts

The modifications proposed will have no adverse social impacts and will allow the completion and operation of the approved chairlift for the 2025 ski season which will see positive economic impacts for the Alpine Region.

1.7 Suitability of the site for the development

The proposed modifications do not materially change the development as approved and as such will not impact on the site suitability deemed appropriate in the original assessment of the chairlift.

1.8 Public Interest

The development is compliant with the relevant requirements of Chapter 4 of SEPP (Precincts-Regional) 2021 and therefore considered to meet the public interest test.

2.0 Reasons given by the consent authority (s4.55 (3))

The following reasons were provided by the consent authority when granting consent to DA10115 being the consent that is sought to be modified.

Table 2 Statement of Reasons DA10115 Compliance Table

Reason	Comment
The project is permissible with development consent under the State Environmental Planning Policy (Kosciuszko Nation Park – Alpine Resorts) 2007 and is consistent with NSW Government policies including the Southeast and Tableland Regional Plan 2036 aim to increase visitation to the NSW ski resorts.	<i>The proposed modification will not impact on the permissibility of the approved development.</i>
The impacts on the community and the environment can be appropriately minimised or managed to an acceptable level, in accordance with applicable NSW Government policies and standards. The consent authority has imposed conditions relating to construction standards, environmental considerations, post construction certification and rehabilitation;	<i>The proposed modification will not increase the impacts of the development which are already appropriately mitigated through existing conditions of consent.</i>
No issues were raised by the community during exhibition of the proposal	<i>No matters were raised by the community during exhibition of the original development application which would impact the approval of the modification as proposed.</i>
Weighing all relevant considerations, the project is in the public interest	<i>The modification as proposed is in the public interest as it complies with the provisions of S4.55(1A) of the EP&A Act 1979 and the staged delivery of the chairlift allows for it to be operational by the 2025 ski season.</i>