

STATEMENT OF ENVIRONMENTAL EFFECTS

ADDITIONS AND ALTERATIONS + UPGRADE OF SERVICES
EYRE KIOSK
PERISHER SKI RESORT
KOSCIUSZKO NATIONAL PARK



Prepared for:
Perisher Ski Resort



SEPTEMBER 2024
Project: 05-24

Dabyne Planning Pty Ltd
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This report has been prepared by:

A handwritten signature in black ink, appearing to read 'I. Pasalich', with a small mark above the end of the signature.

Ivan Pasalich
Principal
Dabyne Planning Pty Ltd

SEPTEMBER 2024

Project: 05-24

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1. INTRODUCTION

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

The DA is for Additions and Alterations as well as an upgrade of services with regard to the Eyre Kiosk, located at the base of Mount Perisher, adjacent to the Eyre T-bar, within the Perisher Ski Resort.

The proposed development includes additions to provide public bathroom facilities for the staff and guests including a unisex accessible bathroom and two male WC's and two female WC's and two washbasins for each.

The additions are located over disturbed land, attached to the southern side of the existing kiosk building, accessed by the existing deck.

The proposed amenities require on-site effluent storage, by way of installation of a septic tank (3500 litre capacity) and gravity connection to a single 188,000 litre concrete holding tank. The holding tank has been designed to hold sufficient storage capacity for the winter ski season, allowing for pump out at the end of the season, during spring when Kosciuszko Road is open.

The upgrade works also include the installation of a grease arrestor with 1500 litre capacity and minor upgrades to the access track to the building for both construction and ongoing maintenance.

The site is mostly highly modified and previously disturbed. The proposal has been designed to locate the works within the already heavily disturbed areas, with no trees to be removed and only a small area of native vegetation, assessed to be 160m², to be impacted.

The proposed works are either located outside of the mapped biodiversity value areas or where located within the mapped areas, avoid removal of native vegetation.

The proposal includes a small amount of clearing of native vegetation well below the threshold, therefore the Biodiversity Offsets Scheme (BOS) under the Biodiversity Conservation Act, 2016 (BC Act, 2016) is not triggered.

Accordingly, a fauna and flora assessment has been prepared. This assessment has concluded that it is unlikely that the proposal will result in any substantial adverse impacts on the environment or have any significant effects on threatened species, endangered populations, ecological communities, or their habitats, listed under the NSW Biodiversity Conservation Act 2016 or the Commonwealth Environment Protection & Biodiversity Conservation Act 1999.

The SEE has concluded that the proposed development will allow for the provision of bathroom amenities and provision for a grease arrestor at the bottom of the Eyre T-bar, adjacent to the Eyre Kiosk.

These facilities and their respective services have been designed to minimise impacts on the environment whilst providing the necessary operational outcomes and improving guest experience.

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

The purpose of this SEE is to:

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

This includes documenting the environmental impacts of development; how the environmental impacts of the development have been identified; and the steps to be taken to protect the environment or to lessen the expected harm to the environment.

The report has been prepared in accordance with the requirements of the Environmental Planning and Assessment Regulations 2021.

2. THE SITE AND LOCALITY

2.1 The Locality

The subject site is located within the Perisher Ski Resort, approximately 35kms from Jindabyne. Access to the resort is achieved via Kosciuszko Road or the Skitube.

The location of the Perisher Ski Resort is illustrated in context with the regional locality below:

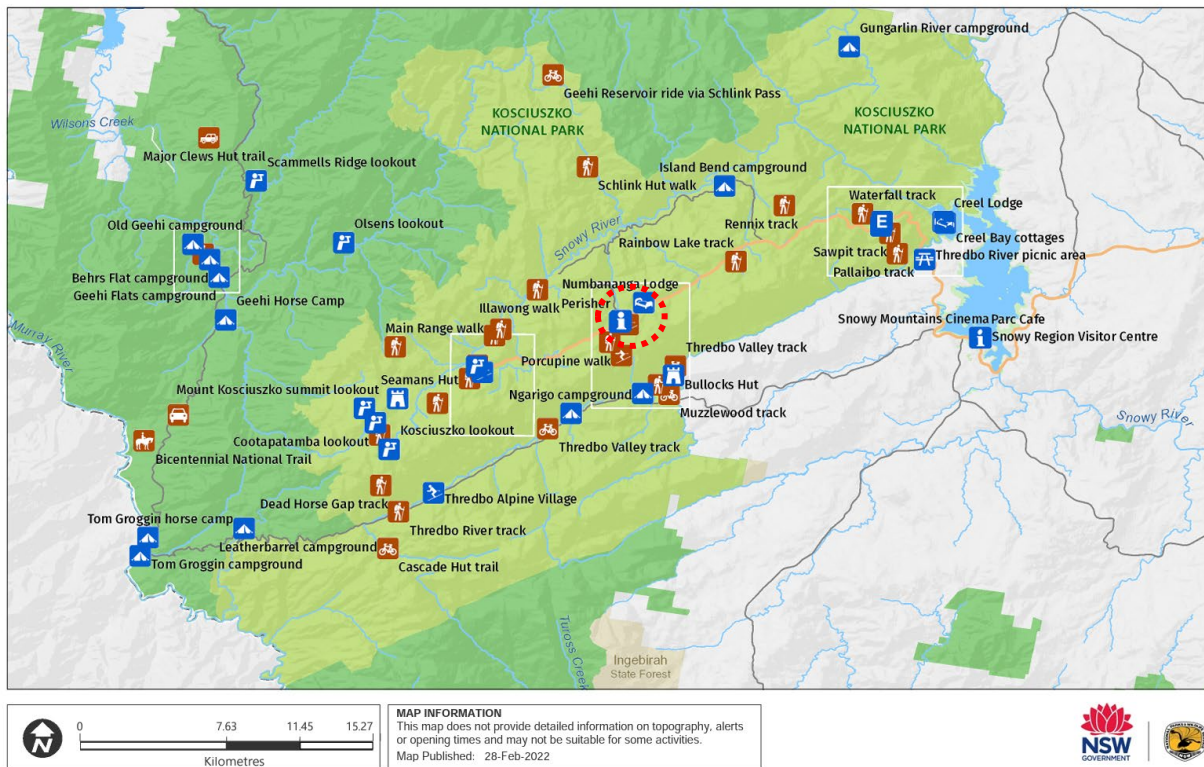


Figure 1: Context of the site within the region

2.2 The Site

The subject site is located at the bottom of the Eyre T-bar, at the base of Mount Perisher and comprises of the Eyre Kiosk.

The site is located adjacent and is accessed from Kosciuszko Road.

The location of the site is shown in the locality and aerial maps provided below and photos in Appendix A.

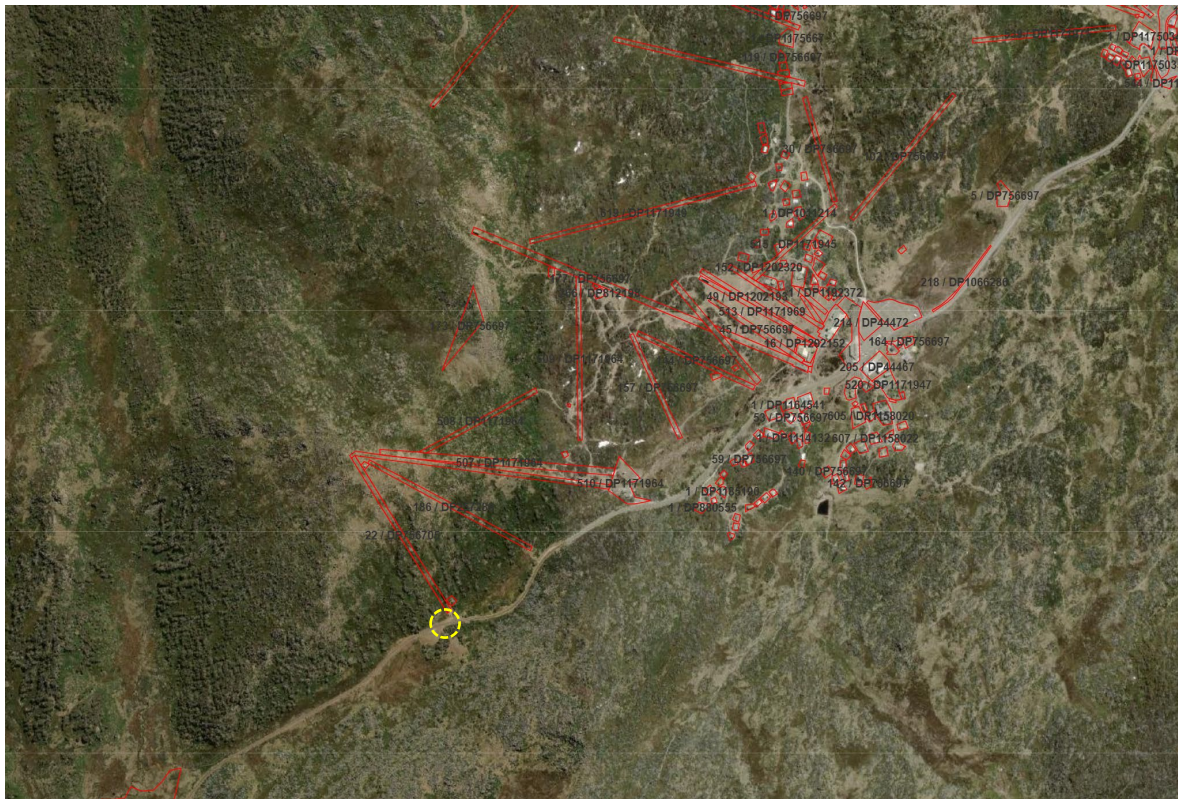


Figure 2: Location of the subject site within the locality



Figure 3: Location of the subject site within the locality



Figure 4: Aerial map of the subject site

The location of the subject site in context of the Perisher Ski Resort and Mount Perisher, is shown below.



Figure 5: Perisher ski trail map with the identified location of the proposed works

3. DESCRIPTION OF THE DEVELOPMENT

3.1 General Description

The purpose of the development is to provide bathroom amenities for staff and guests at Eyre Kiosk, located at the base of the Eyre T-bar lift and Mount Perisher.

This will provide improved guest experience and improved facilities for staff.

The other purpose is to provide a new grease arrestor for the Eyre Kiosk to allow for wider offering of food available to guests.

3.1.1 Additions and Alterations

To accommodate new bathroom amenities for staff and guests at the Eyre Kiosk, additions and alterations are proposed to the existing building.

Additions have been proposed rather than a new detached building to minimise impacts, co-locate services and to provide combined facilities in the one location.

A site analysis process was undertaken with options to provide the additions on the northern side of the building considered, including a preliminary design being prepared. However after further evaluation, the additions were relocated to the southern side of the building, as the northern additions would impact on the outdoor dining area, restrict views and also result in further impacts by way of the removal of a Snowgum.

The proposed additions on the southern side of the building are attached and allow for use of the existing deck for on-grade access. This area was selected as its already highly disturbed.

The proposed additions are 38m² in floor area and include a unisex accessible bathroom and two male WC's and two female WC's and two washbasins for each.

The floor height of the additions allow for a basement storage area below, including plant equipment.

3.1.2 Services

Grease Arrestor

The existing system managing grease from the kitchen was deemed inadequate and therefore the kiosk has been operating with a limited food offering, with no ability to provide cooked food (e.g. burgers, fries, etc).

To allow for wider food offering, the proposal includes a new grease arrestor to be installed, with a 1500L capacity. The location has been selected below the kiosk within area with limited native vegetation which has been partly disturbed.

Effluent Management

As sewer mains are not available at the site or within Kosciuszko Road, the effluent from the new bathroom amenities requires on-site management and storage by way of installation of a septic tank (3500 litre capacity) and gravity connection to a single 188,000 litre concrete holding tank. The holding tank has been designed to hold sufficient storage capacity of the winter ski season, allowing for pump out at the end of the season, during spring when Kosciuszko Road is open.

A single large holding tank has been preferred over the preliminary design which proposed three small holding tanks as this would result in less disturbance and impacts.

The placement of the tank was chosen for both operational needs, to allow for gravity sewer and also for access to pump out from trucks at the end of winter, being adjacent to the access track and close to Kosciuszko Road.

This site, although comprising of native vegetation, is not mapped as comprising high biodiversity values and is not of any significance.

The siting and design of the tank partly excavated allows for the top of the tank to sit below the elevated ground behind and will also include landscaping including installing rocks and native shrubs to help screen the tank from the road, acknowledging that the tank is sitting within a highly modified environment at the base of T-bar lift and ski slope, adjacent to a main road.

The sewer main connecting the septic tank to the holding tank comprises of a 100mm diameter pipe and has been located within a highly disturbed corridor, mostly associated with the existing access track.

The typical trench cross-section is provided in the Preliminary Engineering drawings provided and an extract is provided below.

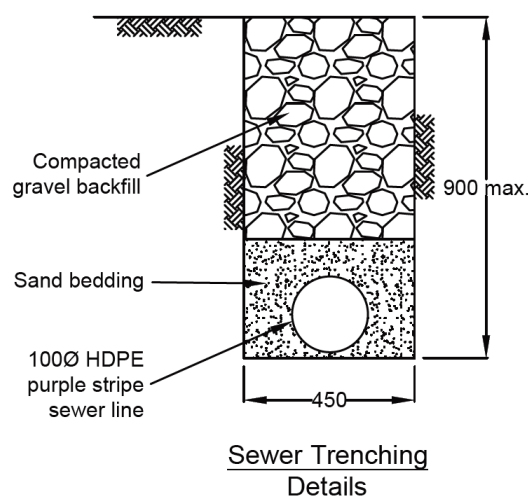


Figure 6: Sewer Trench Cross-section

A Wastewater report has been prepared by Southeast Engineering and Environmental for the on-site sewage management for the café upgrades.

This report outlines the wastewater generation estimation for the Café and toilet facilities and provides recommendations on appropriate wastewater management upgrades.

This report, provided with the DA separately, was used to determine the design and siting of the on-site sewage management system.

Access:

To accommodate construction vehicle access and ongoing maintenance, the existing access track is proposed to be upgraded and include 150mm compacted gravel over the existing access track corridor.

A typical cross-section of the upgrades to the access track corridor is provided in the Preliminary engineering drawings provided with the DA and a cross-section is provided below.

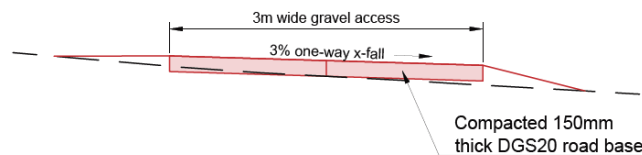


Figure 7: Access track upgrade cross-section

3.2 Construction Timing

The proposed construction timing of the project has been scheduled to start in October 2024 and be completed by the end of May 2025.

3.3 Access

Access to the site is achieved via Kosciuszko Road.

4. KEY MATTERS FOR CONSIDERATION

4.1 Fauna and Flora

The proposed works have been designed and located primarily within heavily disturbed areas, avoiding the removal of trees, except for the trimming of one Eucalypt.

Following a site analysis process, impacts on native vegetation have been largely avoided and where required, both mitigated and minimised to limit the total disturbance of 140m² of common native vegetation associated with PCT 3879: Kosciuszko High Plateau Grassy Open Heath and 20m² to heavily disturbed PCT 3890: Kosciuszko Alpine Wet Heath.

These impacts have been assessed by Ryan Smithers, Principal Ecologist, Eco Logical Australia with the correspondence provided in Appendix B.

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

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

4.2 Aboriginal Cultural Heritage

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

The study included a predictive model that mapped the zones of Archeological Sensitivity as provided below in figure 8.

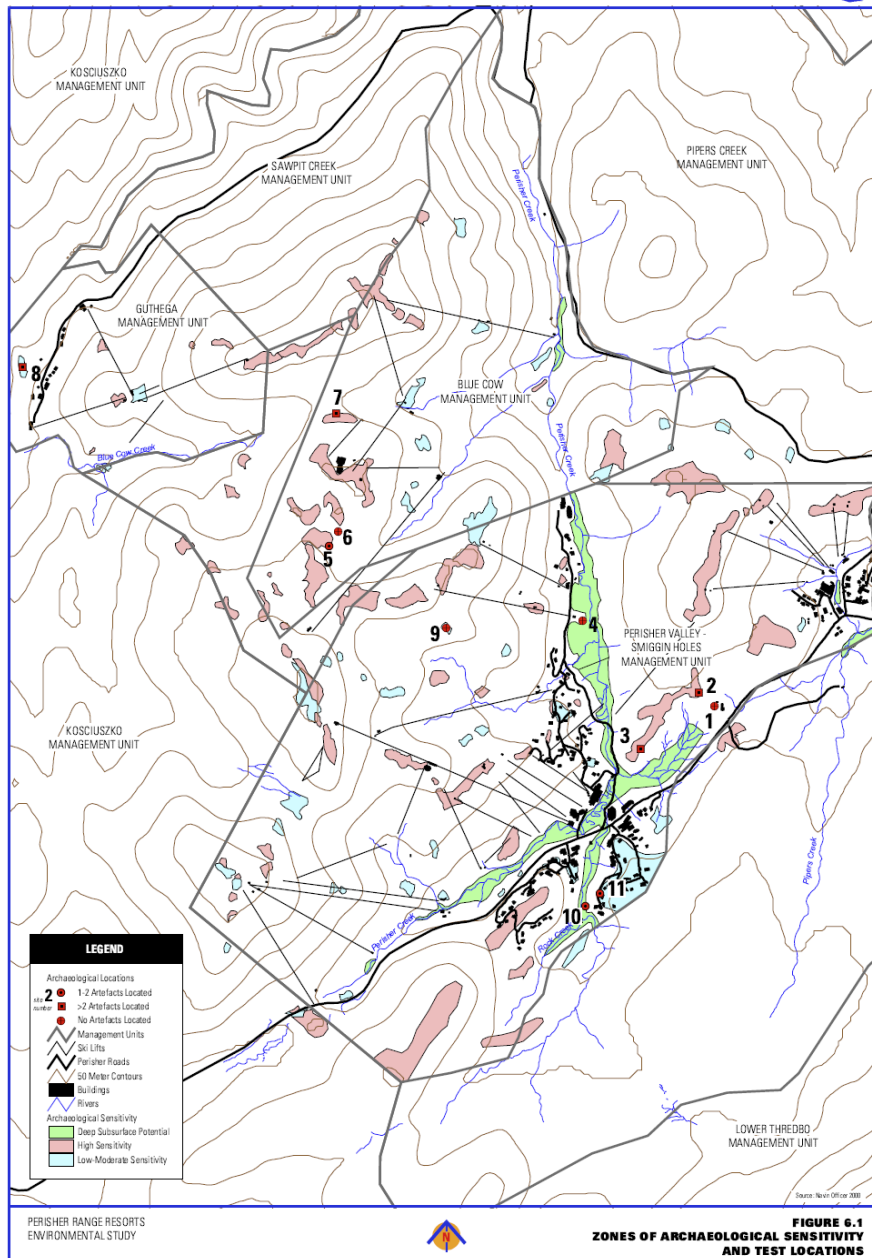
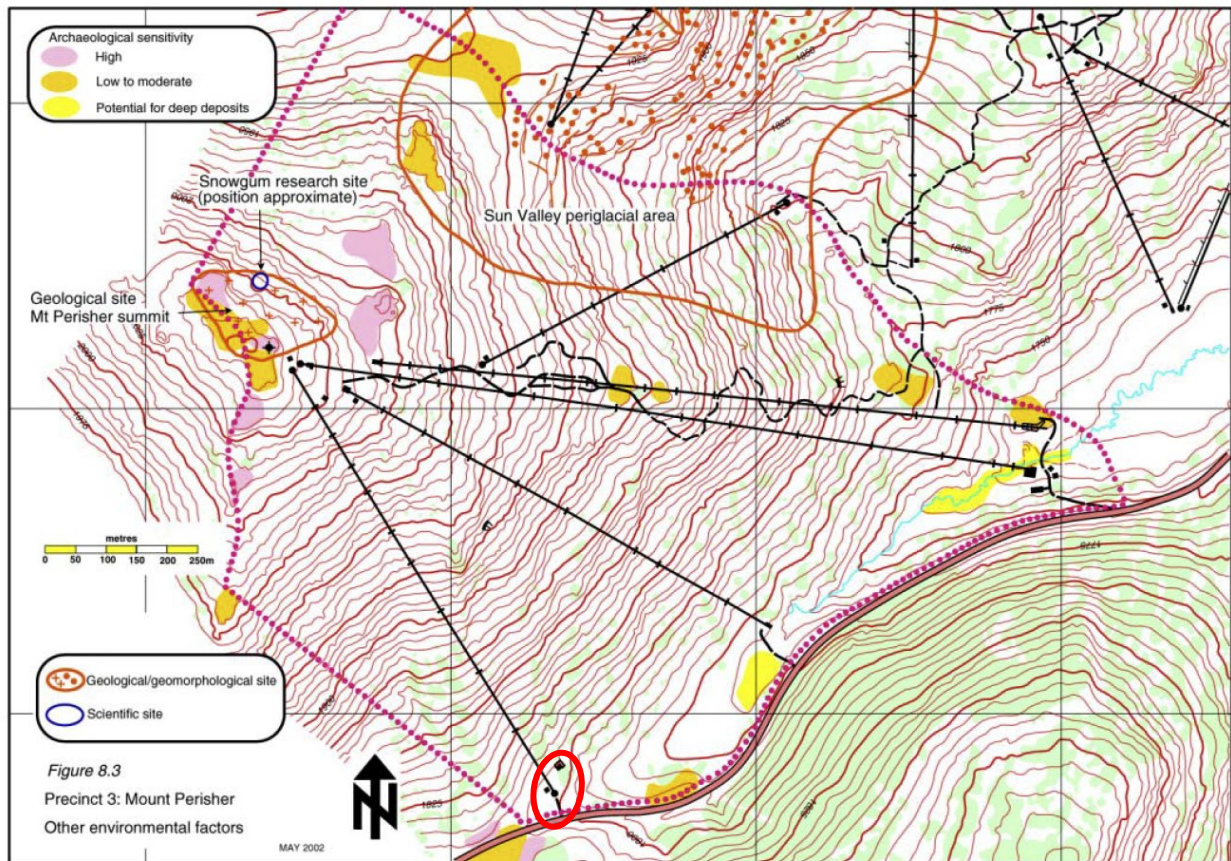


Figure 9: Zones of Archeological Sensitivity

(Source: Perisher Range Resorts Environmental Study, Connell Wagner, 2000)

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



*Figure 10: Other environmental factors map for the Perisher Valley Precinct
(Source: PSSMP)*

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

Step 1. Will the activity disturb the ground surface?

Comment:

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

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

Comment:

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

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

Comment:

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

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

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

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

With regard to the recent Aboriginal Archeological Heritage Map under the SEPP Precincts Regional, the subject site is not mapped as Archeologically Sensitive Land.

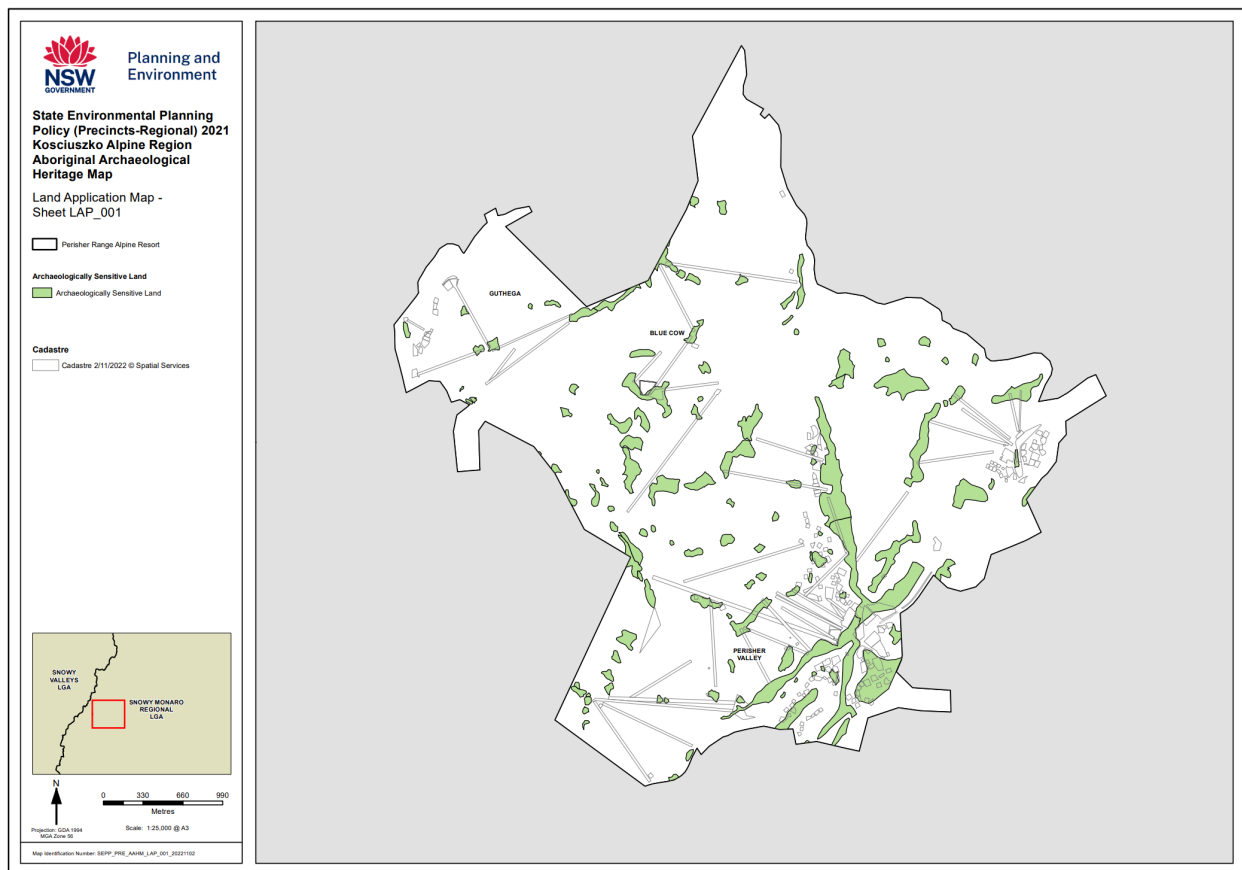


Figure 11: SEPP Precincts Regional – Kosciuszko Alpine Region Aboriginal Archeological Heritage Map

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

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

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

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

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

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

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

5. ENVIRONMENTAL AND PLANNING LEGISLATION

5.1 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979

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

The only applicable Environmental Planning Instrument (EPI) to the proposed development and site is State Environmental Planning Policy (Precincts – Regional) 2021 (SEPP Regional Precincts).

The key relevant provisions of the new Chapter 4 of the SEPP Regional Precincts have been addressed below.

Section 4.1 Aim and objectives of Chapter:

Matter for Consideration	Response
The aim of this Chapter is to protect and enhance the Alpine Region by ensuring development managed with regard to the principles of ecologically sustainable development, including the conservation and restoration of ecological processes, natural systems and biodiversity.	
(2) The objectives of this Chapter are as follows—	
(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,	<p><i>The proposal is to provide additional amenities that improve the guest experience and facilitate tourism.</i></p> <p><i>The proposal has been designed to minimise environmental impacts whilst providing positive social and economic impacts.</i></p> <p><i>The SEPP does not provide any framework for consideration of cumulative impacts.</i></p>
(b) to establish planning controls that— (i) contribute to and facilitate the carrying out of ecologically sustainable development in the Alpine Region, and (ii) recognise the Alpine Region's significant contribution to recreation and the tourism economy in the State,	<p><i>The objective relates to establishing planning controls and therefore is not relevant to the assessment of the proposed development.</i></p>
(c) to minimise the risk to the community exposure to environmental hazards, particularly geotechnical hazards, bush fires and flooding, by— (i) generally requiring development consent on land in the Alpine Region, and (ii) establishing planning controls for buildings ensure the safety of persons using the buildings if there is a fire.	<p><i>The objective sets out to minimise risk to the community in relation to environmental hazards, such as geotechnical hazards, bush fires and flooding by requiring development consent.</i></p> <p><i>A DA has been lodged and the development requires consent.</i></p> <p><i>The second part of the objective relates to establishing planning controls for buildings to ensure the safety of people using the buildings if there is a fire. This is not an environmental hazard or a planning matter.</i></p>

Section 4.2 Land to which Chapter applies:

The subject site is located within the Perisher Range Alpine Resort and this subregion is mapped as shown in the extract below.

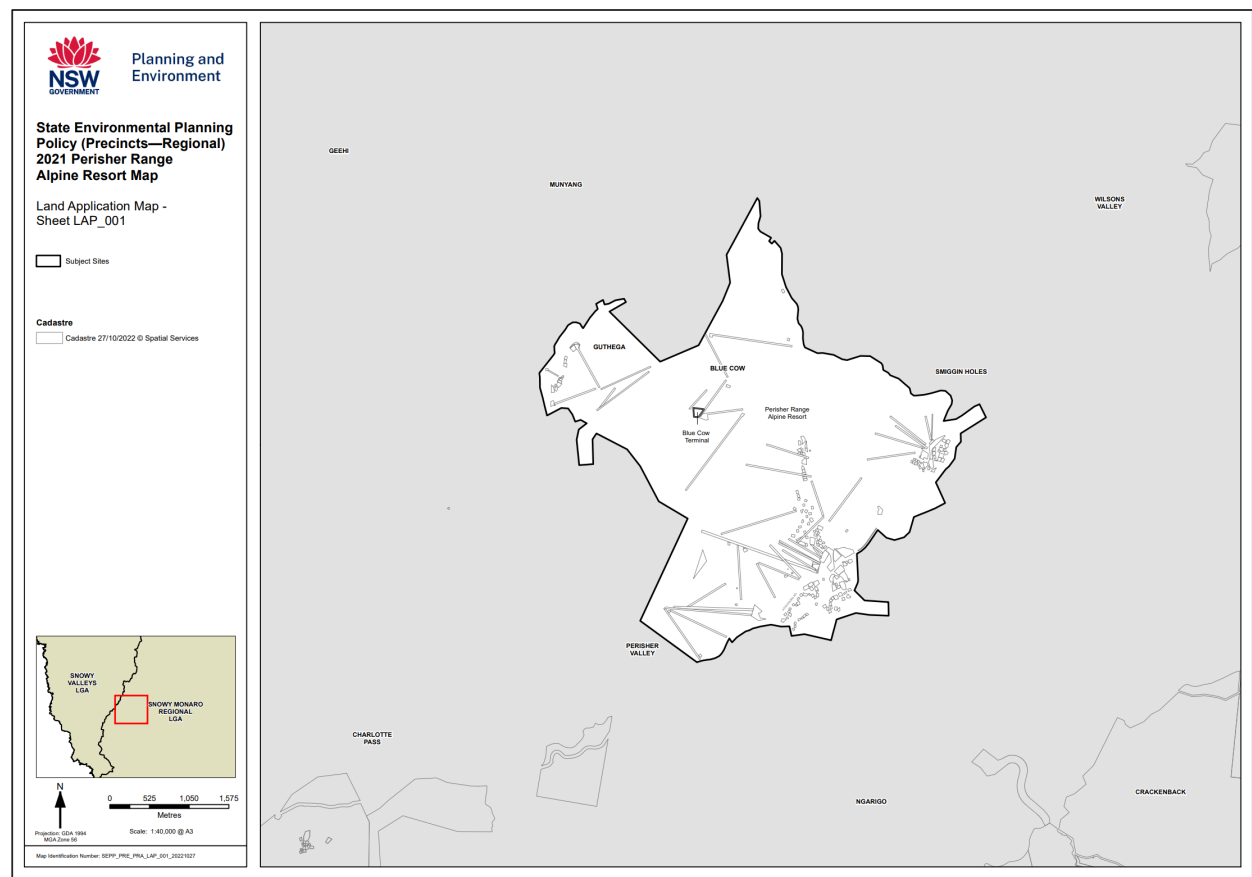


Figure 12: Precincts-Regional SEPP – Perisher Range Alpine Resort Sub-Region Map

Section 4.7 - Land Use Table:

The land use table for the Perisher Range Alpine Resort specifies that ‘Commercial premises’ is permitted with consent.

This is defined as:

commercial premises means commercial premises within the meaning of the Standard Instrument but does not include retail premises, other than food and drink premises, kiosks and shops that operate primarily to serve the daily needs of tourists and visitors and staff employed to work in the Alpine Region.

Accordingly, the proposal is permitted with consent.

Section 4.19 Public utility infrastructure

As the proposal in part relates to the provision, augmentation, maintenance and/or repairing of public utility infrastructure, including the disposal and management of sewage, this section does not apply under S.4.19(2) of the SEPP.

Section 4.24 Flood Planning

Under Section 4.24(2), Development consent must not be granted to development on land in the Alpine Region the consent authority considers to be in the flood planning area unless the consent authority is satisfied with the provisions listed under (a) to (e) with further matters for consideration listed under S.4.23(3).

Under S.4.24(4) the words used in this section have the same meaning as in the *Considering Flooding in Land Use Planning Guideline*, published on the Department's website on 14 July 2021, unless otherwise defined.

In accordance with these guidelines, 'flood planning area has the same meaning as in the *Floodplain Development Manual, ISBN 0 7347 5476 0, published by the NSW Government in April 2005*'.

The Floodplain Development Manual defines flood planning area as 'the area of land below the FPL, and thus subject to floor related development controls. The concept of flood planning area generally supersedes the "flood liable land" concept in the 1986 Manual'.

Under the SEPP, there is no defined flood planning area or FPL and no reference to any adopted mapping.

Further consideration of Section 4.24 therefore cannot be undertaken.

Section 4.25 Earthworks

Matter for Consideration	Response
(3) In deciding whether to grant development consent for earthworks, or for development involving ancillary earthworks, the consent authority must consider the following matters—	
(a) the likely disruption of, or adverse impact on, drainage patterns and soil stability in the locality of the development,	<i>The proposal includes ancillary earthworks involved with the excavation of the tanks and trenching for services.</i> <i>Excavation and trenching within disturbed ski slopes are a common development practice that has demonstrated to have little to no impact on drainage patterns or soil stability.</i>
(b) the effect of the development on the likely future use or redevelopment of the land,	<i>The effect of the development will have a negligible impact on the future use or redevelopment.</i>
(c) the quality of the fill or the soil to be excavated, or both,	<i>The quality of the soil to be excavated as part of the works is not likely to change, as it will be reused on site.</i>
(d) the effect of the development on the existing and likely amenity of adjoining properties,	<i>The development will have a negligible effect on the existing and likely amenity of adjoining properties, which predominantly comprise of ski slopes and a road.</i>
(e) the source of any fill material and the destination of any excavated material,	<i>The proposed trenching will use minimum fill material which will be sourced from an approved facility, if required. Any excess excavated material will be transported off-site to an approved facility, if required.</i>

(f) the likelihood of disturbing relics,	<i>The disturbance corridor has been previously disturbed.</i>
(g) the proximity to, and potential for adverse impacts on, a waterway, drinking water catchment or environmentally sensitive area,	<i>The subject site is setback approximately 90m from the closest defined watercourse. There are no defined water catchments or environmentally sensitive areas under the SEPP.</i>
(h) appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.	<i>The proposal has been located within a highly disturbed area to avoid impacts on the natural environment. Furthermore, these impacts can be minimised by way of implementation of the measures outlined in the Site Environmental Management Plan (SEMP).</i>

Section 4.26 Master plans

The Minister must prepare and approve a master that applies to the Alpine Region under Section 4.26 of the Chapter 4 of the SEPP Regional Precincts. On the 1 July 2022, the Snowy Mountains Special Activation Precinct Master Plan (SM SAP MP) was adopted. The SM SAP MP was adopted well in advance of the new Chapter 4 of the SEPP Regional Precincts and therefore prior to Section 4.46 being implemented.

The Master Plan must contain certain information.

The SM SAP MAP does not:

- Include a map showing existing and proposed types of development for the Perisher Ski Resort: No map of the entire resort, including the subject site is provided, therefore the Master Plan does not apply to the subject site. Furthermore, the map provided does not show 'existing and proposed types of development'. The map only shows 'development areas'.
- Include performance criteria for the proposed development.
- Include information about heritage items or places of heritage significance: The Master Plan does not provide information or a map of any heritage items.
- Outline limitations on development on certain land: The Master Plan does not show any limitation on development with regard to the subject site, being located at the base of a ski area.

The Master Plan was drafted and finalised well before the new Chapter 4 of the SEPP Regional Precincts was gazetted.

Section 4.28 – Consideration of master plans and other documents

Matter for Consideration	Response
(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,	<i>The proposed development is not inconsistent with the aim and relevant objectives.</i>
(b) (Repealed)	

(c) a conservation agreement under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> of the Commonwealth that applies to the land,	<i>Not applicable.</i>
(d) the <i>Geotechnical Policy –Kosciuszko Alpine Resorts</i> published by the Department in November 2003,	<i>A Form 4 Certificate has been prepared and provided with the DA.</i>
(e) for development in the Perisher Range Alpine Resort— (i) the Perisher Range Resorts Master Plan, published by the National Parks and Wildlife Service in November 2001, and (ii) the Perisher Blue Ski Resort Ski Slope Master Plan adopted by the National Parks and Wildlife Service in May 2002.	<i>The Perisher Ski Resort Ski Slope Master Plan applies to the subject site (PSSMP).</i> <i>The proposed upgrades to Eyre Kiosk, including provision for toilets was identified in the PSSMP and therefore the proposed development is consistent with the master plan, with an extract of the Mount Perisher Ski Slope Proposal map identifying 'upgrade mountain kiosk' as shown in figure 13 below.</i>
(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, or	<i>The SM SAP MP was adopted prior to the new Chapter 4 of the SEPP being adopted, therefore prior to section 4.26.</i> <i>The SM SAP MP does not specifically relate to the site or the proposed development.</i>
(b) if a master plan has not been approved—a draft master plan prepared under section 4.26 that is intended to apply to the land and has been published on the NSW planning portal.	<i>Not applicable.</i>

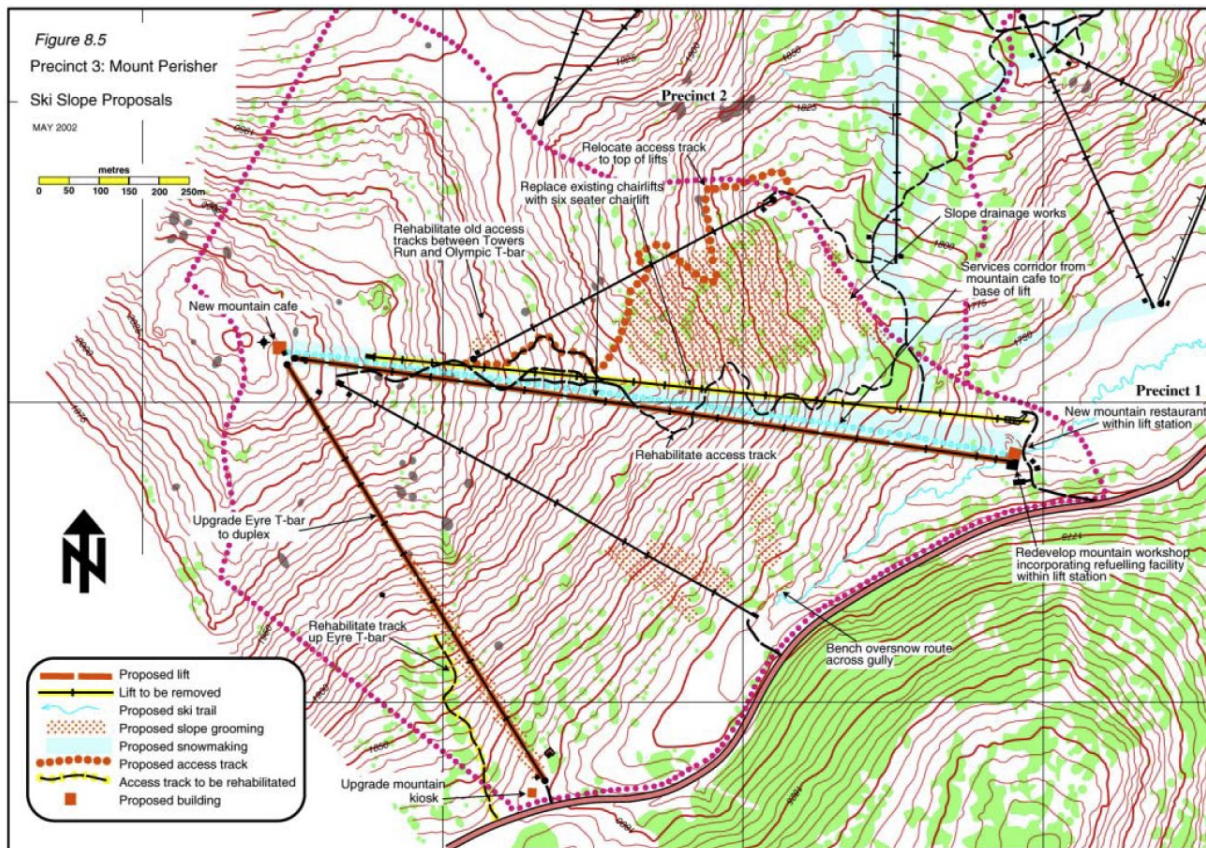


Figure 13: Mount Perisher Ski Slope Proposals Map - Perisher Ski Slope Master Plan

Section 4.29 - Consideration of environmental, geotechnical and other matters

Matter for Consideration	Response
S.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,	<i>The measures proposed to address geotechnical matters have been outlined in the Form 4 Certificate and report prepared by Asset Geotechnical.</i>
(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,	<i>The proposal does not require any measures to mitigate environmental hazards that would impact on the conservation of the natural environment.</i>
(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><i>The proposed additions have been designed to integrate with the existing building with visual impacts minimise by the colours and material used and landscaping to screen the above ground component of the holding tank.</i></p> <p><i>The proposed works are not visible from the Main Range Management Unit.</i></p>

(d) the cumulative impacts of development and resource use on the environment of the Alpine Subregion in which the development is carried out,	<i>There is no framework provided to assess cumulative impacts. That being said, an assessment of likely impacts of the proposal is provided in Section 5.1.6 of this SEE.</i>
(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,	<i>The proposed works will have no impact on the existing transport to and within the resort, as the proposal does not generate additional usage.</i>
(f) the capacity of existing waste or resource management facilities to deal with additional waste generated by the development, including in peak periods.	<i>The proposal seeks to provide upgraded facilities to handle kitchen grease and effluent from the proposed amenities, which have been designed accordingly.</i>
(2) For development involving earthworks or stormwater draining works, the consent authority must also consider measures to mitigate adverse impacts associated with the works.	<p><i>Ancillary excavation works are required for the development as outlined above under Section 4.25.</i></p> <p><i>Sedimentation and erosion control measures as outlined in the SEMP provided separately, can mitigate any adverse impacts associated with such works.</i></p>
(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.	<i>The proposed development will not significantly alter the character of the Perisher Alpine Subregion.</i>

Section 4.30 - Kosciuszko National Park Plan of Management

The proposed development is not inconsistent with the Kosciuszko National Park Plan of Management.

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

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

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

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

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

There are no Planning Agreements applicable to the Kosciuszko Alpine Resorts under the SEPP Regional Precincts.

5.1.5 SECTION 4.15(1)(a)(iv) – REGULATIONS

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

5.1.6 SECTION 4.15(1)(b) – LIKELY IMPACTS

Natural Environment:

The likely impacts from the proposed development on the natural environment are expected to be minimal given the highly disturbed nature of the site and the site analysis process undertaken to minimise those impacts.

Built Environment:

The impacts on the built environment are expected to be minimal, as the proposed additions and alterations have been designed to be compatible with the built form of the existing café and the services being underground, except for the holding tank, which will be partly buried and screened with landscaping.

Social and Economic impacts in the locality:

The social and economic impacts from the upgraded and additional services are positive, by providing bathroom facilities currently not provided and allowing for a wider food offering by installing a new grease trap.

The installation of bathroom facilities on Mount Perisher will be welcomed by guests and staff and is consistent with the Perisher Ski Slope Master Plan.

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

The subject site is considered suitable for the proposed works, being a site that provides café facilities with no toilets or appropriate grease trap. The site is highly modified, comprising of a café, T-bar lift, ski slope, access track and adjacent to a main road.

5.1.8 SECTION 4.15(1)(d) – SUBMISSIONS

The proposed works are located more than 50m from the closest tourist accommodation building and therefore care not required to be publicly notified or advertised under the Departments Community Participation Plan, 2024.

In accordance with Table 2 of the Departments CPP 2024, where the site is located more than 50m away from tourist accommodation will not exhibited.

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

The proposal allows for bathroom amenities, including an accessible bathroom to be provided as well as a wider food offering by way of new and upgraded facilities and services and therefore is considered to be within the public interest.

5.2 BIODIVERSITY CONSERVATION ACT, 2016

The Biodiversity Conservation Act 2016 and Local Land Services Amendment Act 2016 together with the Biodiversity Conservation Regulations 2017 apply to the subject site and proposed development.

The proposed works have been designed to avoid the removal of any areas of native vegetation mapped within the Biodiversity Values Map as defined in the NSW *Biodiversity Conservation Regulation 2017* (BC Reg), these areas, such as the existing access road, comprise exotic grassland are already very heavily disturbed, as shown in in the Fauna and Flora Assessment provided in Appendix B.

An extract of the Biodiversity Values Map for the site is provided below in figure 14.



Figure 14: Biodiversity Values Map for the subject site

Regarding the clearing threshold, the site is located within a National Park and is zoned C1 – National Park under the Snowy River Local Environmental Plan, 2013 (SR LEP, 2013).

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

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

Only the strip lease lot associated with the Eyre T-bar and the lease lot associated with Eyre Café have a lot size, which allows for clearing up to 2500m², being less than 1 hectare.

As the proposed clearing is well below the lowest clearing threshold, the BOS will not be triggered.

As identified above and in Appendix B, the project will affect only a very small area of already heavily modified native vegetation and associated fauna habitats.

Accordingly, it is unlikely that the proposal will result in any substantial adverse impacts on the environment or have any significant effects on threatened species, endangered populations, ecological communities, or their habitats. Therefore, no further assessment is required under the BC Act, 2016.

6. CONCLUSION

The proposed additional bathroom facilities for guests and staff will include a unisex accessible bathroom, providing bathrooms that are not currently provided within the south end of the Mount Perisher ski area. This is consistent with the Perisher Ski Slope Master Plan.

The provision of a grease trap will allow for a wider offering of food available to guests.

The proposed works have been designed and located to provide the necessary operational outcomes, whilst minimising impacts on the natural environment by locating the works within a highly disturbed area.

To ensure that all the environmental and associated legislation is complied with and fulfilled, the proposed development has been considered in regard to Section 4.15 of the Environmental Planning and Assessment Act, 1979, Biodiversity Conservation Act, 2016, and Chapter 4 of the State Environmental Planning Policy (Precincts – Regional) 2021.

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

The proposed Additions and Alterations as well as an upgrade of services with regard to the Eyre Kiosk will provide improved guest experience and facilities for staff.

APPENDIX A

PHOTOS

Figure 1: Eyre Kiosk in winter, view of its western front facade



Figure 2: Eyre Kiosk in winter, view of its southern end and location of the proposed additions



Figure 3: Eyre Kiosk in winter, view of its southern end and location of the proposed additions





Figure 4: Eyre Kiosk deck and entrance into the proposed bathroom additions

Figure 5: Eyre Kiosk in summer, view of its southern end and location of the proposed additions



Figure 6: Location of the proposed grease arrestor and septic tank, within disturbed area to the east of the existing building



Figure 7: Access track and view of site from Kosciuszko Road





Figure 8: Holding tank location within the embankment



Figure 9: Existing access track to be upgraded



Figure 10: Existing access track to be upgraded and location for sewer main



Figure 11: Existing access track to be upgraded

APPENDIX B

FAUNA AND FLORA ASSESSMENT

Date: 19 August 2024

Our ref: 24NAR-6258

Vail Resorts
Kosciuszko Road
Perisher Valley NSW 2624

Attention: Sophie Ballinger

Dear Sophie,

Proposed Additions and Associated Works – Eyre Kiosk - Perisher Ski Resort

As requested, find below an assessment of the potential impacts on flora and fauna of the proposed additions to the Eyre Kiosk and associated works, in the Mount Perisher area of Perisher Ski Resort. The proposed development was inspected on 27 September 2023 and again on 16 April 2024.

Proposal Description

The proposal comprises additions to the Eyre Kiosk including improvements to the existing vehicle access.

Works associated with the proposal include:

- Installation of a concrete wastewater tank (188,000 litres). The tank will require excavation for installation and construction of a 1.2 m high rock retaining wall but will not be fully underground.
- Formulation of existing vehicle access track to the kiosk with 150 mm of compacted gravel.
- Installation of a septic tank and grease trap to the rear of the existing kiosk.
- Construction of a toilet block to the southwest of the existing kiosk – minimal excavation will be required as the structure will be on footings with an elevated floor (not slab on ground).
- Associated trenching for pipe connections to the tanks from the kiosk.
- Landscaping to screen the wastewater tank from the Kosciuszko Road.

The proposal is described further in Figure 1 and Photos 1-8.

The development footprint is highly modified in association with the historic construction of the kiosk, Eyre T-bar, Kosciuszko Road and other impacts. The proposal has been designed such that all works will be located in already heavily disturbed areas. No trees are proposed to be removed, although some minor trimming of one eucalypt may be required to facilitate the construction of the toilets. The minor impacts on highly disturbed native vegetation that will be necessary are limited to:

- The proposed septic tank and grease trap at the rear of the existing kiosk.
- Trenching for pipe connections to the tanks from the kiosk.
- The concrete wastewater tank adjacent to the Kosciuszko Road.

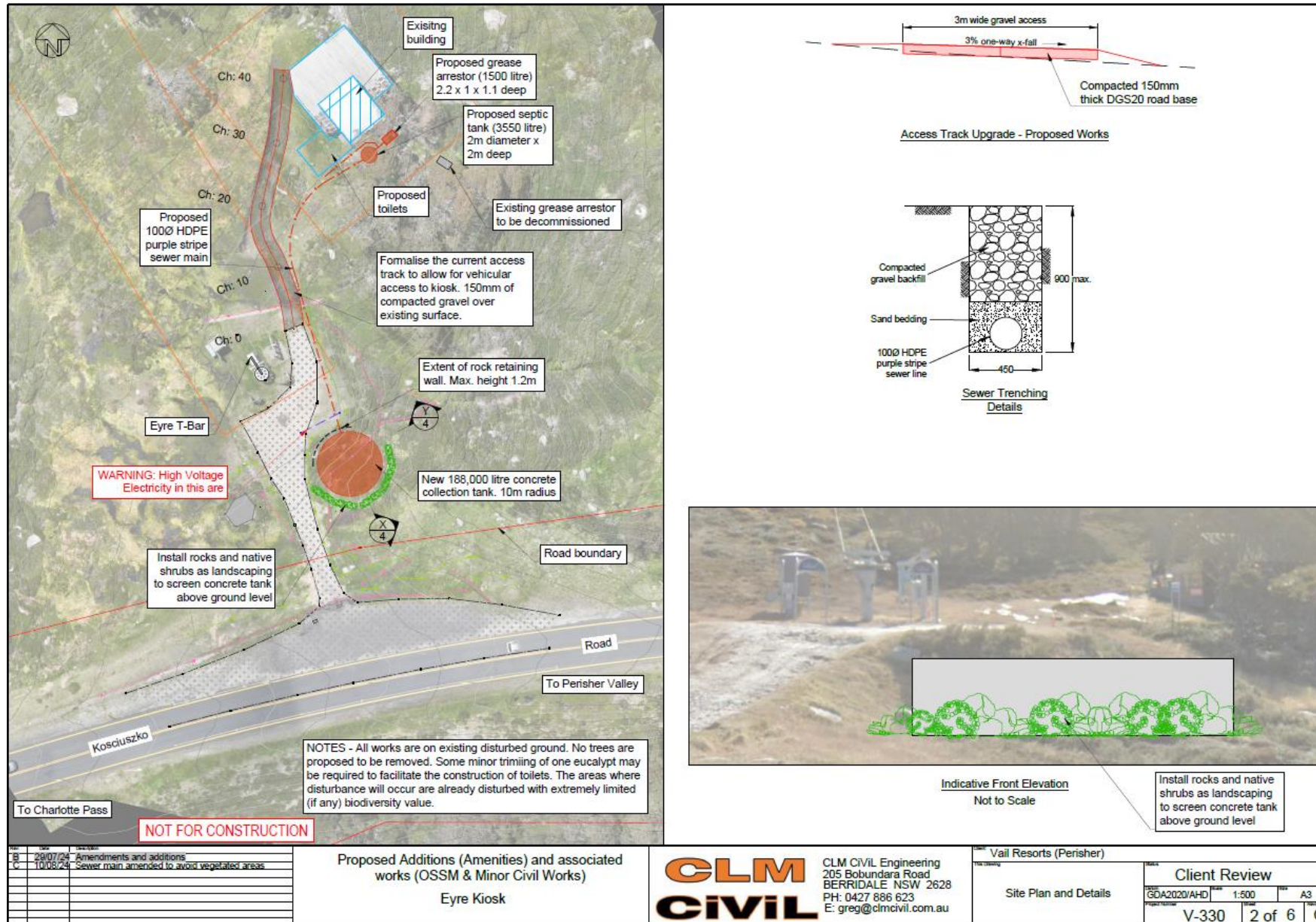


Figure 1: The proposal



Figure 2: The proposal in relation to Biodiversity Values mapping.



Photo 1: Looking at the location of the proposed works from the Kosciuszko Road.



Photo 2: The existing vehicle access and the areas immediately surrounding the T-bar bottom station comprise bare earth, exotic grassland and very heavily disturbed bog.



Photo 3: The proposed works have been designed to be entirely in already highly disturbed areas.



Photo 4: The proposed septic tank and grease arrestor will be located at the rear of the kiosk which is already highly disturbed in associated with the existing grease arrestor which will be decommissioned.



Photo 5: The existing vehicle access will be formalised by the addition of 150 mm of gravel over the existing surface which comprises bare ground and exotic grassland.



Photo 6: The addition to the existing kiosk for the proposed toilets will not require the removal of any native vegetation however minor trimming of one tree may be necessary.



Photo 7: Looking at the location of the proposed wastewater collection tank from the Kosciuszko Road showing the heavy disturbance and predominance of exotic grasses.



Photo 8: The proposed wastewater collection tank will be located in an already disturbed area of wet and dry heath, exotic grassland and very heavily disturbed bog.

The proposed works have been designed to avoid the removal of any areas of native vegetation mapped within the Biodiversity Values Map as defined in the NSW *Biodiversity Conservation Regulation 2017* (BC Reg), as shown in Figure 2. Whilst the proposed works will encroach on some areas mapped on the Biodiversity Values Map, as shown in Figure 2, these areas, such as the existing access road, comprise exotic grassland or are already very heavily disturbed, as shown in Photos 1-6.

Impacts on vegetation communities

The development site and immediate surrounds (hereafter referred to as the study area) are heavily modified as a result of historic disturbances, as shown in Photos 1-8. The vegetation immediately surrounding the kiosk comprises exotic grassland and Plant Community Type (PCT) 3381: Kosciuszko Alpine Sally Woodland in various condition states, PCT 3890: Kosciuszko Alpine Wet Heath, and PCT 3879: Kosciuszko High Plateau Grassy Open Heath, as shown in Figure 3.

The main impact on native vegetation associated with the proposal is the impact on approximately 140 m² of generally good condition PCT 3879: Kosciuszko High Plateau Grassy Open Heath and 20 m² of heavily disturbed PCT 3890: Kosciuszko Alpine Wet Heath in association with the proposed wastewater collection tank. The proposed works will also result in the pruning of one *Eucalyptus niphophila* (Snow Gum) trees, which comprises PCT 3381: Kosciuszko Alpine Sally Woodland (Exotic Groundcover) in association with the construction of the proposed toilets.

The small amount of native vegetation to be impacted includes a range of native shrubs such as *Prostanthera cuneata* (Alpine Mint Bush), *Nematolepis ovatifolia*, *Ozothamnus alpinus* (Alpine Everlasting), *Olearia phlogopappa* (Dusty Daisy-bush), *Baeckea gunniana* (Alpine Baeckea), *Epacris paludosa* (Swamp Heath), *Grevillea australis* (Alpine Grevillea) and *Hovea montana* (Alpine Hovea). The groundcover is typically a mix of weeds and natives such as *Poa fawcettiae* (Smooth Blue Snowgrass), *Coronidium scorpioides* (Button Everlasting) and *Pimelea alpina*. In the highly disturbed Kosciuszko Alpine Wet Heath hardy native species such as *Poa costiniana* (Bog Snowgrass), *Sphagnum* sp., *Carex gaudichaudiana*, *Richea continentis* (Candle Heath), *Oreobolus distichus* and *Senecio gunnii*, are present, as are exotic grasses such as *Agrostis capillaris* (Browntop Bent), exotic Fescues (*Festuca* sp.), and a range of exotic herbs, such as *Hypochaeris radicata* (Flatweed), *Acetosella vulgaris* (Sheep Sorrel), and *Achillea millefolium* (Yarrow).

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

Endangered Ecological Communities

The small highly disturbed wet areas within the study area are considered to comprise:

- the Montane Peatland and Swamps of the New England Tableland, NSW North Coast, Sydney Basin, South East Corner, South Eastern Highlands and Australian Alps bioregions EEC (hereafter referred to as the Montane Peatland and Swamps) which is listed under the *NSW Biodiversity Conservation Act 2016* (BC Act); and
- the Alpine Sphagnum Bogs and Associated Fens EEC (hereafter referred to as the Alpine Sphagnum Bogs and Associated Fens) which is listed on the Commonwealth *Environment Protection & Biodiversity Conservation Act 1999* (EPBC Act).

The proposal will impact approximately 20 m² of these EECs, which are extensive in association with Perisher Creek and other low-lying areas in the locality. The potential impacts of the proposed works on the Montane Peatland and Swamps and Alpine Sphagnum Bogs and Associated Fens are assessed further in Appendix A.

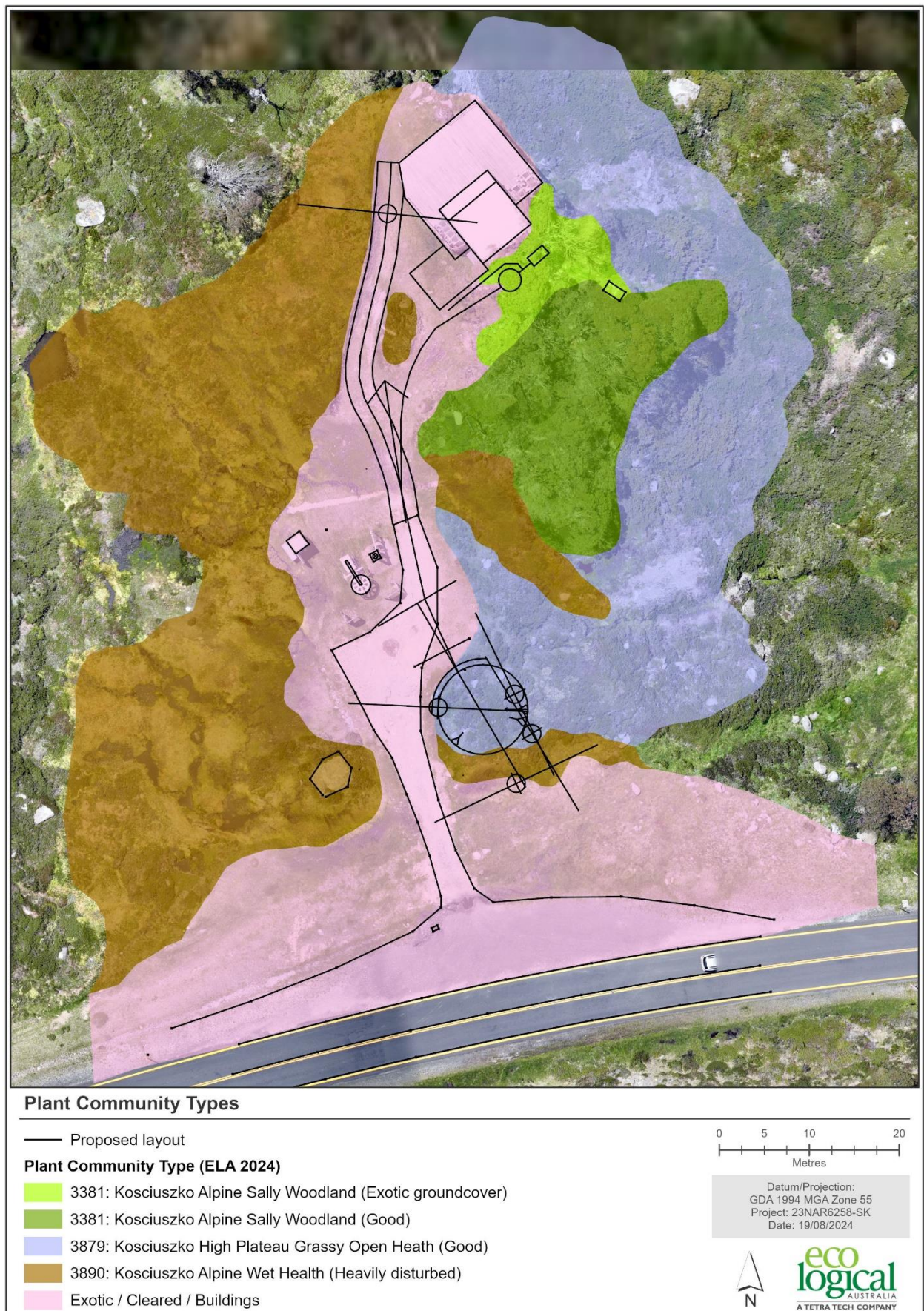


Figure 3: Vegetation within the study area.

Flora species of conservation significance

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

Fauna habitats

The small amount of vegetation and rock habitats to be affected by the proposal does not support any fauna habitats that aren't widely available in the extensive areas of contiguous vegetation. The habitats to be affected may occasionally be used by species such as *Mastacomys fuscus* (Broad-toothed Rat). However, the Broad-toothed Rat is common in suitable habitats within the locality and the proposed works will not lead to a reduction in the local population of the species.

The study area provides a small area of marginal potential habitat for *Cyclodomorphus praealtus* (Alpine She-oak Skink), which is well known from Mount Perisher. It is considered highly unlikely that the small area of marginal potential habitat to be affected would be important for any Alpine She-oak Skinks, given that it is already disturbed and does not support the dense groundcovers that are typical of the species preferred habitat.

It is considered highly unlikely that the habitats to be affected would provide important habitat for *Liopholis guthega* (Guthega Skink), which is well known from much rockier habitats in the locality including elsewhere on Mount Perisher.

The proposal will not result in substantial modifications to the hydrological environment nor will it create barriers which prevent the movement and dispersal of fauna species. Similar developments have been undertaken over the years within and in areas immediately adjacent to the development footprint, and elsewhere within the NSW Alps, with negligible impacts on the hydrological environment and associated ecosystems.

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

Recommendations

To further mitigate the potential impacts of the proposal, the following recommendations for impact mitigation and amelioration are suggested.

Vegetation and habitat management

- All disturbance should be kept to the minimum required to achieve the proposal.
- The proposed works should be constructed and implemented in accordance with best practice design standards to ensure that there are no adverse modifications to the hydrological environment that may impact on surrounding vegetation and associated habitats.
- Appropriate safeguards should be in place during the proposed works to limit the potential for invasive plants or pathogens, chemicals or any other pollutants to enter the environment in association with the proposed development.

Sediment control

- Appropriate sediment control measures should be implemented prior to any construction work for the proposal and retained in place until exposed areas of soil or vegetation are stabilised and/or revegetated.
- Sediment control measures are to have particular regard to the prevention of any sedimentation of watercourses or vegetation communities adjoining the study area.

Rehabilitation

- Rehabilitation activities should be consistent with the resort areas rehabilitation guidelines (NGH Environmental 2007).
- Only weed-free straw or natural thatch/litter should be used in sediment control activities.

Conclusion

The proposal will affect only a very small area, estimated to be approximately 160 m² in total, of already heavily modified native vegetation and associated fauna habitats. The proposal will not affect any potentially important fauna habitat resources and will affect only a very small amount of habitat in the context of the extent of similar habitats in the extensive areas of vegetation in the locality. The proposal will not result in any adverse impacts on habitat connectivity.

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

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

Regards,



Ryan Smithers
Principal Ecologist

Appendix A: Test of Significance

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

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

This test of significance is presented below for *Cyclodomorphus praealtus* (Alpine She-oak Skink), *Mastacomys fuscus* (Broad-toothed Rat) and the Montane Peatland and Swamps EEC.

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

Endangered Species

Alpine She-oak Skink *Cyclodomorphus praealtus* (potential occurrence)

The Alpine She-oak Skink is a slender lizard reaching a maximum length of 350 mm. It is largely carnivorous mostly eating invertebrates but also small lizards and snakes. In NSW, the species is known from alpine and subalpine open heath and tussock grassland within the Kosciuszko region, preferring treeless or lightly treed areas. Within NSW the species is known to occur from the South Ramshead area to Kiandra. It is rarely encountered, appearing to mostly lie partially hidden amongst groundcovers.

The habitats within the study area are potentially suitable for the species, and it is possible that the species occurs within the study area. However, given that there are only small areas of dense grass, with most of the study area comprising bog or heath, the bulk of the habitat within the study area is considered to be marginal for the species.

The impacts associated with the action proposed will be limited to the removal of a very small area, approximately 160 m² of marginal potential habitat for the species. The noise and vibration associated with the rock reduction / removal is likely to temporarily deter any Alpine She-oak Skink individuals that may be near the affected areas. As such, it is unlikely that any individuals would be unintentionally killed during the implementation of the action proposed.

The action proposed will not create any barriers that would prevent Alpine She-oak Skinks from accessing habitat within or surrounding the study area.

Under these circumstances, it is considered unlikely that the action proposed will have an adverse effect on the life cycle of the Alpine She-oak Skink such that a viable local population of the species is likely to be placed at risk of extinction.

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

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

thought to be locally common in the alpine and high subalpine tracts of the Snowy Mountains area, where suitable habitats are present.

The subject site provides a small amount of foraging and sheltering habitat for the Broad-toothed Rat. The proposed development will affect only a very small amount of the potential habitat for the species in the locality and will not affect any key resources for the species, such as extensive areas of rocks, wet heath and bog. It will predominately affect a small area (0.016 ha) of disturbed wet heath and bog and a few rocks. As such, the proposed development is unlikely to adversely affect a significant proportion of the home range of one or more Broad-toothed Rat individuals.

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

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

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

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

Montane Peatlands and Swamps

i. Extent of Local Occurrence

The action proposed will result in only a very minor reduction, estimated to be approximately 20 m², in the extent of the Montane Peatlands and Swamps EEC which occurs within the study area and surrounds. The action proposed has been designed to minimise impacts on the community, by limiting impacts to a small area of already highly modified Montane Peatlands and Swamps which is on the margins of a very large patch of the community, estimated to be more than 100 ha in extent. The community within and surrounding the study area is typically in good condition and has persisted despite previous activities of the nature of those proposed.

Under these circumstances, it is considered unlikely that the community would be adversely affected by the action proposed.

ii. Composition of Local Occurrence

The composition of the Montane Peatlands and Swamps EEC which occurs in the study area is unlikely to be significantly different to the composition in similar habitats within the locality. That is, it is unlikely that it supports a unique assemblage of the characteristic species of the community that does not occur elsewhere. In any case, the action proposed will not adversely modify the composition of the community or otherwise adversely affect it such that its local occurrence is likely to be placed at risk of extinction.

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

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

The proposed development will impact on only a very small area (0.016 ha) of habitat for the Broad-toothed Rat or Alpine She-oak Skink and 0.002 ha of habitat for the Montane Peatlands and Swamps EEC.

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

The proposed development will not result in habitat fragmentation which could isolate individuals or a population of the Broad-toothed Rat or Alpine She-oak Skink. The vegetation to be affected by the proposed works is too small to provide all the required resources for a Broad-toothed Rat or Alpine She-oak Skink individual.

Impacts on the Montane Peatlands and Swamps EEC will be limited to a small area on the margins of a very large local occurrence of the community.

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

The potential Broad-toothed Rat and Alpine She-oak Skink habitats to be affected comprise a small area of marginal habitat relative to the extensive areas of similar and superior habitats provided by surrounding vegetation. Similarly, the small area of the Montane Peatlands and Swamps EEC to be affected is already highly modified and not important to the long-term survival of the very large local occurrence of the community.

Under these circumstances, the habitats to be affected are not considered to be particularly important for the Broad-toothed Rat, Alpine She-oak Skink or Montane Peatlands and Swamps EEC.

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

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

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

The proposed development will remove 0.016 ha of remnant native vegetation. Whilst this constitutes the Key Threatening Process 'Clearing of native vegetation', the contribution to this key threatening process is relatively minor considering the extent of remnant forest in the locality and the extant extent of the vegetation communities that will be affected.

EPBC Act Significant Impact Criteria

The EPBC Act Administrative Guidelines on Significance set out 'Significant Impact Criteria' that are to be used to assist in determining whether a proposed action is likely to have a significant impact on matters of national environmental significance. Matters listed under the EPBC Act as being of national environmental significance include:

- Listed threatened species and ecological communities;
- Listed migratory species;
- Wetlands of International Importance;
- The Commonwealth marine environment;

- World Heritage properties;
- National Heritage places;
- Nuclear actions; and
- Great Barrier Reef.

Specific 'Significant Impact Criteria' are provided for each matter of national environmental significance except for threatened species and ecological communities in which case separate criteria are provided for species listed as endangered and vulnerable under the EPBC Act.

The Commonwealth listed entities which are known or considered to have the potential to occur within the study area are the:

- Alpine She-oak Skink
- Broad-toothed Rat
- Alpine Sphagnum Bogs and Associated Fens.

The relevant Significant Impact Criteria have been applied to determine the significance of impacts associated with the proposal.

Matters to be considered	Impact
Any environmental impact on a World Heritage Property or National Heritage Places	No. The proposed action does not impact on a World Heritage Property or a National Heritage Place - (listed natural: Australian Alpine National Parks and Reserves; nominated historic: Snowy Mountains Scheme NSW).
Any environmental impact on Wetlands of International Importance	<p>No. The proposal will not affect any part of a wetland of international importance.</p> <p>Yes. The development site does provide potential habitat for the following Commonwealth listed endangered entities; Alpine She-oak Skink and Broad-toothed Rat</p> <p>The significant impact criteria for endangered species are discussed below:</p> <p>a. lead to a long-term decrease in the size a population of a species,</p> <p>Whilst the proposed action will affect some potential Broad-toothed Rat habitat, it will affect only a very small amount (0.016 ha) of the potential habitat for the species in the immediate area. As such, the proposed works are unlikely to adversely affect a significant proportion of the home range of one or more Broad-toothed Rat individuals and will not result in habitat fragmentation which could isolate individuals or a population of the Broad-toothed Rat. The noise and vibration associated with the proposed works is likely to temporarily deter any Broad-toothed Rat individuals that may be near the affected areas. As such, it is unlikely that any individuals would be killed during the implementation of the proposed action.</p> <p>The impacts associated with the proposed action will not result in the removal of any of the dense groundcovers the Alpine She-oak Skink is associated with. It is considered highly unlikely that the proposed works would result in injury or death of any Alpine She-oak Skink individuals as the disturbances associated with the proposed works are likely to temporarily deter any individuals from the locations where works are being undertaken.</p> <p>Under these circumstances, it is considered highly unlikely that the proposed action will lead to a long-term decrease in the size of the Broad-toothed Rat or Alpine She-oak Skink populations.</p>
Any impact on Commonwealth Listed Critically Endangered or Endangered Species;	<p>b. reduce the area of occupancy of the species</p> <p>The proposed action will be limited to the disturbance of 0.016 ha of native vegetation which is a small amount of habitat in the context of the extent of similar habitats in the locality. The proposed works will not affect any key habitat resources for the Alpine She-oak Skink or Broad-toothed Rat; nor affect their ability to access habitats within or beyond the development site.</p> <p>Under these circumstances, the proposed action is highly unlikely to reduce the area of occupancy of the local populations of the Alpine She-oak Skink or Broad-toothed Rat.</p> <p>c. fragment an existing population into two or more populations</p> <p>The proposed action will be limited to the disturbance of 0.016 ha of native vegetation which is a small amount of habitat in the context of the extent of similar habitats in the locality. The proposed works will not affect any key habitat resources for the Alpine She-oak Skink or Broad-toothed Rat; nor affect their ability to access habitats within or beyond the development site.</p> <p>Under these circumstances, the proposed action will not fragment an existing population of the Alpine She-oak Skink or Broad-toothed Rat into two or more populations.</p> <p>d. adversely affect habitat critical to the survival of a species</p> <p>No habitat within the development site is considered likely to be critical to the survival of the Alpine She-oak Skink or Broad-toothed Rat. There are thousands of hectares of similar habitats in the alpine and subalpine zones of the Australian alps, including elsewhere within the Perisher Resort area. The Alpine She-oak Skink and Broad-toothed Rat continue to occur within the Perisher Resort Area despite a long history of similar and more extensive disturbances.</p>

Matters to be considered	Impact
	<p>e. disrupt the breeding cycle of a population</p> <p>It is possible although unlikely that the Alpine She-oak Skink may breed within the development site. However, any local population of these species is highly unlikely to be limited to the development site, which represents only a very small proportion of the potential habitat available to the species in the locality and so breeding can proceed as normal in the other available areas.</p> <p>It is considered highly unlikely that the Broad-toothed Rat would breed within the development site given the generally marginal nature of the potential habitat for the species there.</p> <p>Under these circumstances, it is highly unlikely that the proposed action would disrupt the breeding cycle of a population of the Alpine She-oak Skink or Broad-toothed Rat.</p>
	<p>f. modify, destroy, remove or isolate or decrease the availability or quality of habitat to the extent that the species is likely to decline</p> <p>The proposed action will modify a very small area of marginal potential habitat for the Alpine She-oak Skink and Broad-toothed Rat, but this area is unlikely to be important to these species in the context of the extent of potential habitat in the locality.</p> <p>Under these circumstances it is highly unlikely that the proposed action would modify- destroy- remove or isolate or decrease the availability or quality of habitat to the extent that the Alpine She-oak Skink or Broad-toothed Rat is likely to decline.</p>
	<p>g. result in invasive species that are harmful to an endangered species becoming established in the endangered or critically endangered species' habitat</p> <p>The proposed action is unlikely to result in invasive species that are harmful becoming established in potential habitat of the Alpine She-oak Skink or Broad-toothed Rat. Species such as cats or foxes are already present in the landscape and are subject to control programs within the resort.</p>
	<p>h. introduce disease that may cause the species to decline</p> <p>The proposed action is unlikely to introduce disease that may cause the Alpine She-oak Skink or Broad-toothed Rat to decline.</p>
	<p>i. interfere substantially with the recovery of the species.</p> <p>As the proposed action is not considered to decrease or fragment any existing populations the recovery of the Alpine She-oak Skink and Broad-toothed Rat is unlikely to be adversely impacted.</p>
Any impact on a Commonwealth Listed Vulnerable Species;	No. The study area does not provide habitat for any Commonwealth listed vulnerable species.
Any impact on a Commonwealth Endangered Ecological Community	<p>Yes: The Alpine Sphagnum Bogs and Associated Fens endangered ecological community occurs within the development site.</p> <p>The significant impact criteria in terms of endangered ecological communities are discussed below:</p> <p>a. reduce the extent of an ecological community</p> <p>The proposal is expected to result in the further modification of approximately 20 m² of Alpine of already disturbed Sphagnum Bogs and Associated Fens EEC. The local occurrence of the community is estimated to be at least 100 ha in extent in association with Perisher Creek and Rock Creek.</p> <p>b. fragment or increase fragmentation of an ecological community, for example by clearing vegetation for roads or transmission lines;</p>

Matters to be considered	Impact
	<p>The proposal will not fragment the Alpine Sphagnum Bogs and Associated Fens EEC as it will affect a small area on the margins of a very large local occurrence.</p> <p>c. adversely affect habitat critical to the survival of an ecological community</p> <p>The local occurrence of the Alpine Sphagnum Bogs and Associated Fens EEC is estimated to be at least 100 ha in extent in association with Perisher Creek and Rock Creek. In this context, the habitat for the community within the development site is not considered to be critical to its survival.</p> <p>d. modify or destroy abiotic (non-living) factors (such as water, nutrients, or soil) necessary for an ecological community's survival, including reduction of groundwater levels, or substantial alteration of surface water drainage patterns</p> <p>The proposal has been designed so as to not modify or destroy the abiotic factors necessary for the survival of the Alpine Sphagnum Bogs and Associated Fens EEC. On the contrary, the proposal has been designed to mitigate against any potential impacts on surface or subsurface hydrology, primarily through limiting excavations and subsurface construction.</p> <p>e. cause a substantial change in the species composition of an ecological community, including causing a decline or loss of functionally important species, for example through regular burning or flora or fauna harvesting.</p> <p>The development site does not support a unique assemblage of characteristic flora species of the Alpine Sphagnum Bogs and Associated Fens EEC that does not occur elsewhere within the local occurrence. Similarly, the fauna assemblage inhabiting the development site is likely to be distributed throughout the local occurrence and contiguous vegetation. Fauna species such as invertebrates, amphibians, reptiles, birds, and mammals utilising foraging substrates within the development site would not be restricted to the areas affected by the action proposed and would be highly likely to continue to utilise habitats in the remainder of the local occurrence.</p> <p>f. cause a substantial reduction in the quality or integrity of an ecological community, including, but not limited to:</p> <ul style="list-style-type: none"> -assisting invasive species, that area harmful to the listed ecological community, to become established, or -causing regular mobilisation of fertilisers, herbicides or other chemicals or pollutants in the ecological community which kill or inhibit the growth of species in the ecological community <p>The proposed action includes appropriate safeguards to limit the potential for invasive plants or pathogens to encroach upon the Alpine Sphagnum Bogs and Associated Fens EEC. It will also include safeguards which limit the potential for any chemicals or pollutants to enter the Alpine Sphagnum Bogs and Associated Fens EEC in association with the action proposed.</p> <p>g. interfere with the recovery of an ecological community</p> <p>The Alpine Sphagnum Bogs and Associated Fens EEC has recovered well since the cessation of grazing in the NSW alps and is one of the most common vegetation communities in alpine and subalpine habitats, and one of the best conserved vegetation communities in Australia. It has also recovered well since the 2003 wildfires.</p> <p>The proposed action will not reduce the extent of the Alpine Sphagnum Bogs and Associated Fens EEC, will not interfere with any wider recovery of the community, which is only potentially threatened by impacts associated with climate change, the re-introduction of grazing, horse and pig impacts or adverse fire regimes.</p>
Any environmental impact on Commonwealth Listed Migratory Species;	No. The proposed action will not have any adverse impacts on any listed migratory species.

Matters to be considered	Impact
Does any part of the Proposal involve a Nuclear Action;	No. The project does not include a Nuclear Action.
Any environmental impact on a Commonwealth Marine Area;	No. There are no Commonwealth Marine Areas within the study area.
In addition- any direct or indirect impact on Commonwealth lands	No. The project does not directly or indirectly affect Commonwealth land.

APPENDIX C

AHIMS SEARCH RESULTS

dabyne planning

Date: 11 March 2024

Attention: Ivan Pasalich

Email: ivan@dabyneplanning.com.au

Dear Sir or Madam:

AHIMS Web Service search for the following area at Lat, Long From : -36.4161, 148.3909 - Lat, Long To : -36.415, 148.3928, conducted by Ivan Pasalich on 11 March 2024.

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



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

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

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

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

Important information about your AHIMS search

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