

**DEVELOPMENT ASSESSMENT REPORT
DA 003-02-2012**



**Installation of permanent ski patrol hut at
the top of the Interceptor chairlift,
Perisher Range alpine resort**

Proposed by Perisher Blue Pty Ltd

Part 4 of the
Environmental Planning and Assessment Act 1979

May 2012

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1 EXECUTIVE SUMMARY

This report is an assessment of development application DA 003-02-2012 under the provisions of Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation), and *State Environmental Planning Policy (Kosciuszko National Park – Alpine Resorts) 2007* (the Alpine SEPP).

Proposal

The applicant, Perisher Blue Pty Ltd, seeks development consent to permanently install a ski patrol hut near the top station of the Interceptor chairlift, within the Perisher Range alpine resort.

Consent authority

Under the provisions of the Alpine SEPP, the Minister for Planning and Infrastructure is the consent authority for development within the NSW alpine resorts.

Permissibility

Pursuant to cl 11 of the Alpine SEPP and the Perisher Range Alpine Resort Land Use Table, a 'ski slope hut' is permissible with consent.

Key considerations

The proposal has been considered against the relevant matters for consideration. The proposal does not involve any vegetation removal or any excavations. All work within the rocks and vegetation will be done by hand, and a crane sitting on the adjacent access track will lift the hut into place. The hut is of a green/grey colour which blends with the natural surrounds and is consistent with the existing ski-related infrastructure throughout the resort. Access for construction is available via the existing maintenance track and there is a cleared area adjacent to the top of the Interceptor chairlift that can be used to turn vehicles and store equipment. The geotechnical assessment undertaken for the proposal confirms that the proposal will constitute minimal or no geotechnical impact at the site.

Consultation

The proposal was referred to the NSW Environment and Heritage (OEH) pursuant to cl 17 of the Alpine SEPP. The OEH advised that the proposal is permissible under the Perisher Ski licence held by the applicant, that there are no issues relating to municipal services, provided there is no excavation no further assessment in regard to Aboriginal cultural heritage is required, and impacts on flora and fauna should be minimal.

Conclusion

After consideration of the proposal against the relevant statutory considerations, including s 79C of the EP&A Act and the provisions of the Alpine SEPP, it is concluded that the proposal is permissible with consent and appropriate. The works will not have an adverse environmental impact, the hut will not be visually intrusive, construction access is available via an existing track, and the proposal is appropriate from a geotechnical perspective.. The proposal is therefore recommended for approval subject to the imposition of conditions.

2 BACKGROUND

2.1 Locality

The Perisher Range alpine resort is located within Kosciuszko National Park, approximately 35 kilometres from Jindabyne.

The Interceptor chairlift is located in North Perisher, and provides the primary link for skiers between Perisher Valley and Blue Cow.

2.2 Site description

The works are proposed at the top of the Interceptor chairlift, to the north of the top station, midway along the existing snowfence.



Photograph 1: View downslope of the Lower Rollercoaster ski run.

The area either side of the snow fences comprises of large rocks with heath vegetation (see Photograph 1). There is an existing access track immediately to the east of this snow fence and rocky vegetated area.



Photograph 2: View looking south towards the top station of the Interceptor chairlift from the proposed location of the hut.

2.3 Background to the proposal

The ski patrol hut is currently on sleds and is moved over snow to the required position at the start of each winter season (see Photograph 3).

The applicant has indicated that permanently installing the ski patrol hut permanently will remove the need to move the hut at the start and end of each winter season, and will provide a permanent and secure space for the storage of ski patrol equipment.

3 THE PROPOSED DEVELOPMENT

3.1 Overview

The applicant proposes to permanently install the ski patrol hut on a large rock outcrop, midway along the existing snow fence to the north of the top station of the Interceptor chairlift. This will involve:

- removing a section of the existing snow fence so that the hut will sit flush with the fence line;
- drilling holes in the existing rock for anchor rods which will act as the foundations for the hut; and
- lifting the hut in place and securing on these foundations.

The proposed hut is the typical green/grey in colour, and is 3.12 metres long, 2.43 metres wide and 2.63 metres high (see Photograph 3).



Photograph 3: The existing ski patrol hut on sleds.

The estimated cost of the works is \$2000.

4 STATUTORY FRAMEWORK

4.1 Development assessment

The application has been made and assessed pursuant to Part 4 of the EP&A Act and the EP&A Regulations.

4.2 Statement of permissibility

A 'ski slope hut' is permissible with consent pursuant to cl 11 of the Alpine SEPP and the Perisher Range alpine resort land use table.

4.3 Statutory considerations

The proposal has been considered against the relevant statutory considerations, including:

- the principles of Ecologically Sustainable Development (ESD);
- the objects of the EP&A Act;
- 79C of the EP&A Act;
- the Alpine SEPP; and
- the SSMP 2002.

The assessment is provided in Appendix A and a discussion of the matters arising from this assessment is provided in section 6 of this report.

5 CONSULTATION

5.1 NSW Office of Environment and Heritage

The proposal was referred to the OEH pursuant to cl 17 of the Alpine SEPP. The comments made by OEH are broadly summarised as:

- the impacts on flora and fauna should be minimal if the works are undertaken as proposed and when soil conditions are suitable for minimising construction impacts, otherwise it would be appropriate to conduct the works over snow;
- provided no excavation is undertaken, no further assessment on the potential impact on Aboriginal cultural heritage is required;
- the proposal is permissible under the Perisher ski area licence held by the applicant; and
- there are no issues relating to municipal services.

These comments have been considered in the assessment of the proposal, and conditions have been incorporated into Schedule 2 as appropriate.

6 CONSIDERATION

The proposal has been considered against the relevant matters for consideration and the assessment is provided in Appendix A. The following is a discussion of the key matters arising from this assessment.

6.1 Environmental

The proposal does not involve any vegetation removal or any excavations. All work within the rocks and vegetation will be done by hand, and a crane sitting on the adjacent access track will lift the hut into place.

6.2 Visual impact

The ski patrol hut is of a green/grey colour which blends with the natural surrounds. The hut is of a relatively small scale and is consistent with the existing ski-related infrastructure throughout the resort. It is also proposed to be situated adjacent to a snow fence and trees which will further reduce its prominence in the landscape.

6.3 Construction access

Construction access will be via the existing maintenance track from the base of the Pretty Valley chairlift to the top of the Interceptor chairlift. This access track and the existing cleared area adjacent to the top station of the Interceptor chairlift will be used to park/turn vehicles and to store equipment during construction. A condition has been included in Schedule 2 reinforcing that no vehicles, machinery or storing of equipment is permitted in any adjoining areas of intact native vegetation.

6.4 Geotechnical

The applicant has submitted a 'Geotechnical Slope Stability Assessment' (6 February 2012) prepared by Jeffrey and Katauskas Pty Ltd a Form 4 in accordance with the Department's Geotechnical Policy. This assessment confirms that the proposal will constitute minimal or no geotechnical impact at the site. The recommendations of this assessment have been incorporated into the conditions contained in Schedule 2.

7 CONCLUSION

After consideration of the proposal against the relevant statutory considerations, including s 79C of the EP&A Act and the provisions of the Alpine SEPP, it is concluded that the proposal is permissible with consent and appropriate. The works will not have an adverse environmental impact, the hut will not be visually intrusive, construction access is available via an existing track, and the proposal is appropriate from a geotechnical perspective.. The proposal is therefore recommended for approval subject to the imposition of conditions.

8 DELEGATIONS

It is considered that Daniel James, Team Leader, Alpine Resorts Team has the delegation to exercise the function as a consent authority as provided by the Minister for Planning and Infrastructure, pursuant to s 23 of the *Environmental Planning and Assessment Act 1979*. This exercise of delegations is considered to be appropriate and in accordance with the *Instrument of Delegation* dated 14 September 2011.


9 RECOMMENDATION

It is recommended that Daniel James, Team Leader, Alpine Resorts Team as delegate for the Minister for Planning and Infrastructure, under the *Instrument of Delegation* dated 14 September 2011, pursuant to s 80 of the *Environmental Planning and Assessment Act 1979* and State Environmental Planning Policy (Kosciuszko National Park – Alpine Resorts) 2007:

- (i) grant consent to **DA 003-02-2012** for the installation of a permanent ski patrol hut at the top of the Interceptor chairlift, Perisher Range alpine resort subject to the conditions of consent (refer to **Schedule 2**); and
- (ii) sign and date the *Notice of Determination* for DA 003-02-2012 (refer to **Notice of Determination**).

Prepared by:

Approved by:



Erin Fuller
Senior Planner
Alpine Resorts Team

Daniel James
Team Leader
Alpine Resorts Team

**Determined as Delegate of the Minister for
Planning and Infrastructure**

Appendix A – Statutory Assessment & Consideration

A1 ECOLOGICALLY SUSTAINABLE DEVELOPMENT

The Department has considered the proposed development against the five principles of ESD set out in s 3 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act):

Integration Principle – The social, economic and environmental aspects of the proposal have been considered, and on balance the proposal is considered appropriate. The facility will provide a permanent structure for ski patrol without having an adverse environmental impact.

Precautionary Principle – The proposal does not pose a threat of serious or irreversible environmental damage. It is proposed to use the existing rock for the hut foundations so as to remove the need for any excavations or any vegetation removal.

Inter-Generational Principle – The proposal will not adversely impact upon the health, diversity or productivity of the environment for future generations.

Biodiversity Principle – The proposal will not result in a loss of biodiversity. No vegetation is proposed to be removed.

Valuation Principle – The applicant has recognised the habitat value of the native vegetation and has devised a work method which will avoid any vegetation removal.

A2 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

Objects

The objects of the EP&A Act provide an overarching framework that informs the purpose and intent of the legislation and gives guidance to its operation. The consideration and determination of a development application under Part 4 must be informed by the relevant provisions of the EP&A Act, consistent with the objects.

The proposal is considered consistent with the objects of the EP&A Act 1979 in that there will not be an adverse environmental impact, the proposal is consistent with the principles of ESD and will contribute to the orderly development of the resort.

Section 79C(1) - Matters for consideration - general

In determining a development application, a consent authority must take into consideration the matters referred to in s 79C(1) of the EP&A Act as are of relevance to the development:

S 79C(1)(a)(i) the provisions of any environmental planning instrument
The environmental planning instrument applicable to the proposal is State Environmental Planning Policy (KNP – Alpine Resorts) 2007. See section A.3 for an assessment of the proposal against this Policy.
S 79C(1)(a)(ii) the provisions of any proposed instrument
None are applicable to the proposal.
S 79C(1)(a)(iii) the provisions of any development control plan
No development control plans are applicable to the site or the proposal.
S 79C(1)(a)(iiia) the provisions of any planning agreement
None are applicable to the proposal.
S 79C(1)(a)(iv) the provisions of any regulations
CI 92 of the EP&A Regulation 2000 – No demolition is proposal and the site is not within the coastal zone.
S 79C(1)(a)(v) any coastal zone management plan
The subject site is not within the coastal zone.

S 79C(1)(b) the likely impacts of that development

Context, setting and visual – The ski patrol hut is a relatively small structure and is painted green/grey to reduce its prominence on the ski slope. Given the small size of the hut, and its proposed location adjacent to other ski related infrastructure, it will not be visually intrusive and is consistent with its setting in a ski resort.

Access, transport and traffic - The proposal will not impact upon traffic management within the Resort. Construction access is available from an existing access track from the base of the base of the Pretty Valley double chairlift.

Public Domain - The proposal will not adversely impact upon any public spaces.

Utilities and Energy – No services are proposed to the ski patrol hut.

Heritage – The proposal will not impact on any European heritage items. See comments below from OEH in regard to Aboriginal cultural heritage.

Other Land Resources – The proposal is not envisaged to impact on any valuable land resources.

Water – None of the works proposed are within 40 metres of a watercourse.

Soils - The proposal includes site environmental management measures that will be implemented during construction. No excavations are proposed, and any disturbance to the access track will be appropriately rehabilitated. This is reinforced by way of conditions in Schedule 2.

Noise, Vibration, Air and Microclimate – Impacts in this regard will be small-scale and short-term during construction and involve primarily noise and vehicle emissions. There are no neighbouring lodges that will be adversely impacted in this regard.

Flora and fauna – No vegetation is proposed to be removed.

Waste –A condition has been included in Schedule 2 providing for the appropriate containment of waste on site during construction.

Natural Hazards – The applicant has provided a geotechnical slope stability assessment to support the proposal. This assessment provides a number of recommendations and a condition has been included in Schedule 2 providing that all works comply with these recommendations.

Social Impact – The proposal will provide a permanent facility for ski patrol, and no adverse social impacts are envisaged as a result of this proposal.

Economic Impact – The proposal will generate the equivalent of 0.08 of a job during construction only. No adverse economic impacts are envisaged as a result of the proposal.

Site Design and Internal Design – The location for the permanent ski patrol hut has been chosen so as to be out of the way for skiers, be in an optimal position for ski patrol staff, and to reduce any environmental impacts.

Cumulative Impacts – The installation of a permanent ski patrol hut is not envisaged to adversely contribute to any cumulative impacts.

S 79C(1)(c) the suitability of the site for the development

The is considered suitable as it is appropriate for ski patrol operations, is not within high ski traffic areas and no vegetation removal is required.

S 79C(1)(d) any submissions made in accordance with the Act or the regulations
The application was not required to be placed on public exhibition and no submissions in this regard were therefore received.
S 79C(1)(e) the public interest
The proposal is considered in the public interest as it will provide a permanent ski patrol facility without any adverse environmental impacts.

A3 ENVIRONMENTAL PLANNING INSTRUMENTS

State Environmental Planning Policy (Kosciuszko National Park – Alpine Resorts) 2007

Cl 2 – Aim and objectives:
The proposal is: <ul style="list-style-type: none"> - consistent with the aim of the Alpine SEPP in that it is consistent with the ESD principles; - consistent with the objectives of the Alpine SEPP in that it will provide a permanent ski patrol facility without adversely impacting on the natural or cultural environment; and - considered appropriate from a geotechnical perspective.
Cl 11- Land use table
The land use table for the Perisher Range Alpine Resort provides that a 'ski slope hut' is permissible with consent.
Cl 14(1) – Matters to be considered by consent authority
(a) the aim and objectives of this policy, as set out in clause 2,
See discussion above under cl 2.
(b) the conservation of the natural environment and any measures to mitigate environmental hazards (including geotechnical hazards, bush fires and flooding,
The proposal is considered appropriate as it will provide a permanent ski patrol facility without an adverse impact on the natural environment, and is considered appropriate from a geotechnical perspective.
(c) the cumulative impacts of development on existing transport, effluent management systems, waste disposal facilities or transfer facilities and existing water supply:
The proposal will not influence the number of people visiting the resort.
(d) any statement of environmental effects,
The SEE and additional information supplied are considered adequate to enable a full and proper assessment of the proposal.
(e) the character of the alpine resort,
The proposal will not significantly alter the character of the resort. The structures proposed is consistent with other ski-related infrastructure throughout the Perisher Range alpine resort.
(f) the Geotechnical Policy – Kosciuszko Alpine Resorts,
The applicant has submitted a Form 4 and a 'Geotechnical Slope Stability Assessment' (6 February 2012) prepared by Jeffrey and Katauskas Pty Ltd which confirms that the proposal will constitute minimal or no geotechnical impact at the site. The recommendations of this assessment have been incorporated into the conditions contained in Schedule 2.
(g) any sedimentation and erosion control measures,
No excavations are proposed and appropriate site environmental management measures have been incorporated into the proposal.
(h) if stormwater drainage works are proposed,
No stormwater drainage works proposed.
(i) any visual impact of the proposed development, particularly when viewed from the Main Range,
The proposal will not result in an unacceptable visual impact. The ski patrol hut is consistent with other ski-related infrastructure throughout the resort, is of a green/blue colour that blends with the natural surrounds, and is only a relatively small structure that will not be visible from the Main Range.
(j) any significant increase in activities, outside of the ski season,

The proposal will not result in an increase in activities during or outside the ski season.	
(k) if the development involves the installation of ski lifting facilities,	
The proposal does not involve the installation of new ski lifting facilities.	
(l) if the development is proposed to be carried out in Perisher Range Alpine Resort:	
(i) the document entitled Perisher Range Resorts Master Plan...	
(ii) the document entitled Perisher Blue Ski Slope Master Plan...	
<u>SSMP</u> - The proposal is consistent with the SSMP in that it is improving facilities for visitors to the resort.	
(m) if the development is proposed to be carried out on land in a riparian corridor:	
The site is not located within a riparian corridor.	
CI 17 – Development applications referred to the Department of Environment, Climate Change and Water (DECCW)	
DECCW is now the NSW Office of Environment and Heritage, and provided the following comments:	
<ul style="list-style-type: none"> ▪ <u>Leasing</u> - The proposal is permissible under the Perisher ski area licence held by the applicant. ▪ <u>Municipal services</u> – There are no issues relating to municipal services. ▪ <u>Flora and fauna</u> – The impacts on flora and fauna should be minimal if the works are undertaken as proposed and when soil conditions are suitable for minimising construction impacts. Alternatively, if the desired soil conditions cannot be met, the works should be conducted over snow. ▪ <u>Aboriginal cultural heritage</u> – The works site is within a zone of high archaeological potential and the proposal has therefore not adequately assessed the potential impact on Aboriginal cultural heritage values. However, provided no excavation is undertaken, no further impact assessment is required. 	
These comments have been considered and incorporated into the conditions contained in Schedule 2 as appropriate. No excavations are proposed although a condition has nonetheless been included in Schedule 2 requiring all works to cease should any Aboriginal items be uncovered during works.	
CI 26 – Heritage conservation	
European Heritage	The proposal will not impact on any European heritage items.
Aboriginal Heritage	See comments above from OEH.