

# STATEMENT OF ENVIRONMENTAL EFFECTS

## WIDENING & RE-ALIGNMENT OF SLOPESTYLE COURSE FRONT VALLEY, PERISHER SKI RESORT KOSCIUSZKO NATIONAL PARK



Prepared for:  
Perisher Blue Pty Ltd



DECEMBER 2012  
Project: 37-12

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This report has been prepared by:

A handwritten signature in black ink, appearing to read 'I. Pasaich', is positioned above a horizontal line.

Ivan Pasaich BEnvP MPIA CPP MEIANZ

**Principal**

Dabyne Planning Pty Ltd

**DECEMBER 2012**

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**Dabyne Planning Pty Ltd**

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# 1. INTRODUCTION

## 1.1 Executive Summary

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 (SEE) to accompany a Development Application (DA) to the NSW Department of Planning and Infrastructure (DPI).

The proposal is to undertake tree and rock removal works to allow for both the widening and re-alignment of the Slopestyle course on Front Valley, Perisher Ski Resort.

The current Slopestyle course, located on the southern side of Front Valley (skier's right) and to the north of Sturt T-bar is progressively becoming more popular with greater demand for improved freestyle terrain facilities. This is partly attributed to both Skier and Snowboard Slopestyle events (men and women) now being Olympic Sports for the 2014 Winter Olympic Games in Sochi, Russia and the need for FIS level facilities for Australian Athletes.

In recognition of the popularity of the Slopestyle course on Front Valley, the resort's most advanced freestyle terrain facility, Perisher is proposing to widen and re-align the course to allow for two distinct feature lines through the course; a jump line and rail/box line so that different levels of freestyle skiers and snowboarders can learn and progress.

The widening and re-alignment of the Slopestyle course will also allow for the northern edge of the course to be re-located further to the south, to provide a wider ski run on the southern side of the Village Eight Chairlift Towers (skier's right), which will also allow for limited ski racing events, including Interschools to be undertaken on Front Valley.

The proposed widening and re-alignment of the course will require the removal of forty-one (41) trees, two (2) rock outcrops and other selected rocks as well as 60m<sup>2</sup> of sub-alpine heath, which all currently form as islands between the southern edge of the current course and northern edge of the Sturt T-bar alignment.

The proposed works will also require the relocation of the three (3) existing light towers and three (3) fan guns to the southern edge of the proposed re-located course with laterals proposed to service the new fan gun locations. The existing hut located at the top of the course will be removed and a hut currently located at Blue Cow will be relocated to the site and situated towards the top of the course.

The proposal will also include an entrance feature to the top of the course, which will allow for condition of entry and risk warning signage to be attached and define the entrance to the course.

To offset the environmental impacts associated with the proposed tree and rock removal works, it is proposed to plant eight-two (82) locally propagated Snow Gums which will be planted together with sub-alpine heath within an area measuring 300m<sup>2</sup> between two existing native vegetation islands on the southern side of Sturt T-bar.

This will provide an offset ratio of 2:1 for the trees and approximately 5:1 for the sub-alpine heath, which will also improve habitat connectivity.

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 79C(1) of the Environmental Planning and Assessment Act, 1979 (EP&A Act, 1979).

The report has been prepared in accordance with the requirements of Schedule 1 of the Environmental Planning and Assessment Regulations 2000.

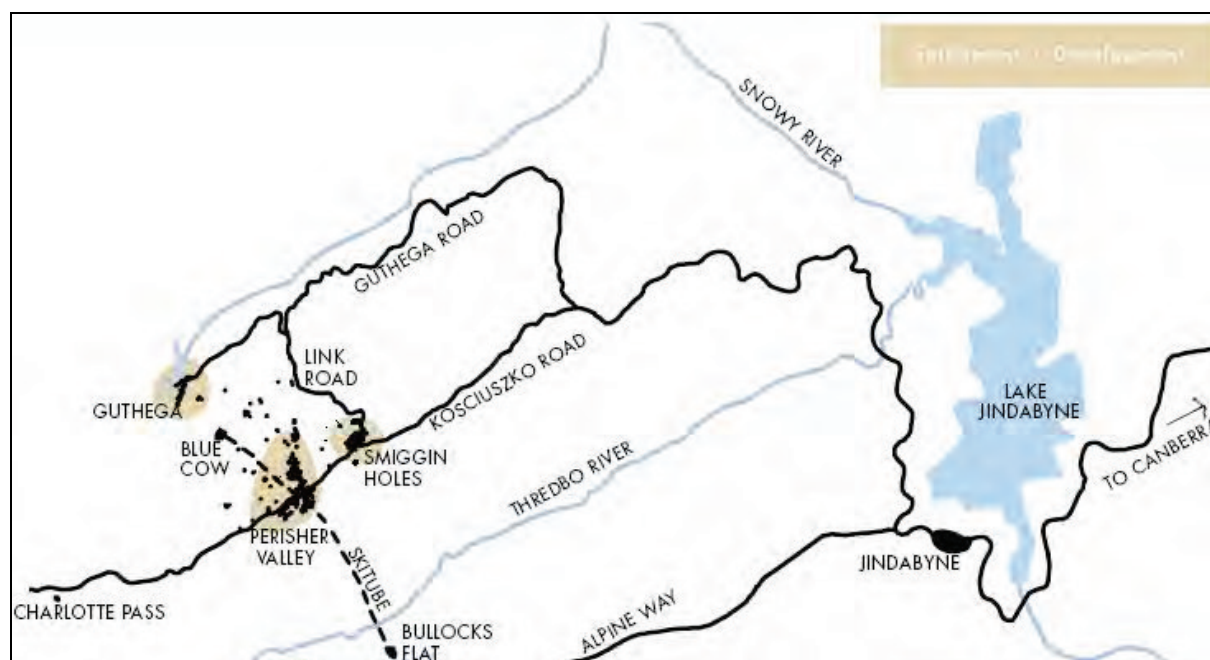
## 2. THE LOCALITY AND THE SITE

### 2.1 The Locality

The proposed works will be located within the Perisher Valley area of the Perisher Ski Resort.

Perisher Ski Resort is located within the Perisher Range Resorts, approximately 35kms from Jindabyne. Access to the resort is via Kosciuszko Road.

The location of the resort is illustrated in context with the regional locality in Figure 1 below:



*Figure 1: Location of Perisher Valley in context with the Region (source: Perisher Range Resorts Master Plan)*

### 2.2 The Site

The subject site is located within the Front Valley ski area, which forms part of the Perisher Ski Resort and is the resort's premier beginner ski and snowboard area.

The subject site is located on the southern side of Front Valley (skier's right) and to the north of Sturt T-bar.

The location of the subject site in context with the ski resort, is illustrated below in Figure 2.



**Figure 2: Perisher Ski Trail Map with the subject site area highlighted (Source: Perisher Blue Pty Ltd)**

The current Slopestyle course is largely disturbed being part of the Front Valley ski area as a result of existing resort infrastructure including access tracks, ski runs, lifts and snowmaking infrastructure.

The area between the current Slopestyle course and Sturt T-bar forms an island of trees with associated sub-alpine heath and rocks with Tall Alpine Heath with Eucalypts being the predominant vegetation community between the large expanses of Exotic Grasslands.

An aerial photo of the Front Valley area is provided in Figure 3 with the subject site highlighted.

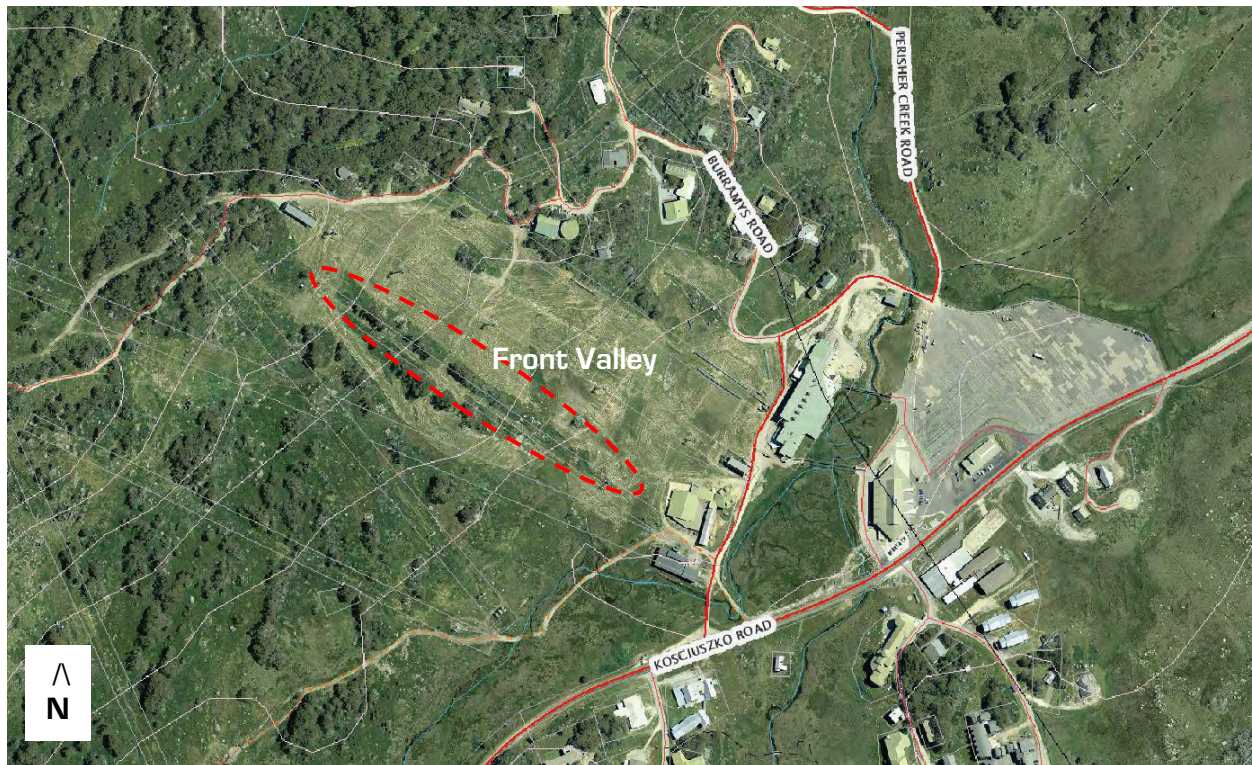


Figure 3: Aerial of the subject site in context with Front Valley

The site extends from approximately 80m upslope from the base of Sturt T-bar at 1735m AHD to an area adjacent to the top of the Sturt T-bar at 1810m AHD and is bound by the Sturt T-bar lift to the south and the Village Eight chairlift to the north as illustrated in Figure 4 below.

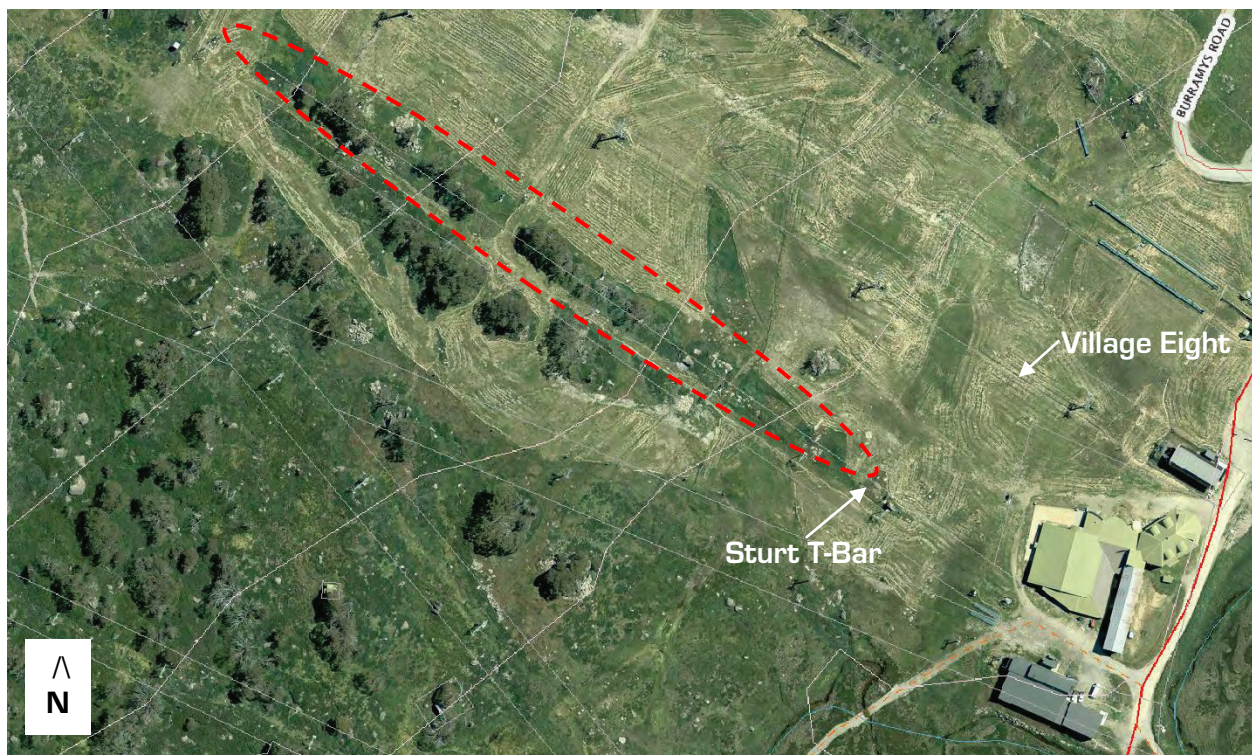


Figure 4: Aerial of the subject site and its location



## **3. DESCRIPTION OF THE DEVELOPMENT**

### **3.1 Purpose of the Development**

The proposal is to undertake tree and rock removal works to allow for both the widening and re-alignment of the Slopestyle course on Front Valley, Perisher Ski Resort.

The purpose of undertaking these works is to:

- Widen the current Slopestyle course to allow for two distinct feature lines providing a variety of terrain features in response to increasing demand and accommodating competitions.
- Re-align the course further to the south to provide increased ski run width on the southern side (skier's right) of the Village Eight chairlift. This will also allow for limited ski racing events, including Interschools to be undertaken on Front Valley.
- Reduce obstacles and potential safety hazards.
- Achieve improved grooming operations.

To improve beginner skier terrain on the skier's right side of the Village Eight chairlift, three (3) of the existing snowmaking fan guns and light poles will need to be relocated further to south, to the edge of the relocated Slopestyle course.

The existing hut at the top of the course will also be removed and replaced with a hut to be relocated from Blue Cow to the top of the course.

An entrance feature at the top of the course is also proposed, which will allow for condition of entry and risk warning signage to be attached and define the entrance to the course.

### **3.2 General Description**

#### **Tree and Rock Removal Works:**

The proposal includes the removal of forty-one (41) trees across five (5) separate groups (islands) from the top of the course to the bottom, as illustrated in the Site Plan provided in Appendix A and photos provided in Appendix B.

The trees are proposed to be removed with chainsaws, with stumps to be cut to the ground but to remain insitu. The timber will be cut on site and removed via a HD carrier or 6WD truck and carted off the site to the Jindabyne Tip.

The rock removal process includes removing two rock outcrops and other selected rocks and also reducing rocks down to smaller size where they may protrude above the snowpack.

The rocks are proposed to be removed by way of traditional drill and blast method, with blasting mats used to control the flyrock. Rock fragments will be placed in depressions downslope of the rock islands.

Any excess rock fragments will be transported to the Smiggin Holes stockpile site.

### Re-locate Snowmaking Fan Guns and Light Towers

The three (3) existing fan guns, concrete pits and three (3) light poles located on the southern edge of the current Slopestyle course are proposed to be removed and relocated to the southern edge of the widened Slopestyle course as shown in the Site Plan provided in Appendix A and photos in Appendix B.

Laterals from the existing fan gun locations to the new locations will be installed and will include a water pipe (50mm in diameter), air pipe (50mm in diameter), Electricity, optical fibre and data cables.

The disturbance width corridor required for the trenching of the laterals is 4.5m.

A photo of one of the snowmaking fan guns and light poles (F1) to be removed and relocated is provided below in Figure 5.



*Figure 5: Existing fan gun and light pole (F1) to be removed and relocated*

Photos of the new location for the fan guns and light poles (F1 – F3) are provided in Appendix B.

### **Remove Existing Hut and Re-locate to the top of the course**

The existing hut located at the top of the course, shown in Figure 6 below, will be removed from the site.

An existing hut (see Figure 7 below), currently located at Blue Cow will be transported to the site and erected on footings. The hut is 3.26m x 2.66m in size and will be located at the top of the course, requiring a small area of heath disturbance.

A small trench to the hut for electricity and data cables (0.3m x 0.6m) will be required to be installed to the top of the Village Eight chairlift. This trench will be located through the highly disturbed Front Valley area.



*Figure 6: Existing hut to be removed*



*Figure 7: Existing hut at Blue Cow to be relocated to the top of the course*

### **Entrance Feature:**

An entrance feature is proposed at the top of the Slopestyle course, adjacent to the unload area at top of the Sturt T-bar.

The entrance feature will define the entry to the course and allow for condition of entry and risk warning signage to be erected. The feature will be 8m wide by 8m tall and located within a highly disturbed area as show in the Site Plan provided in Appendix A.

An example of an entrance feature at Northstar Ski Resort, USA is provided in Figure 8 below:



Figure 8: An example of an entrance feature to a Slopestyle course at Northstar Ski Resort, USA

### 3.3 Construction Timing

The proposed construction timing of the project has been scheduled to start in early March 2013 and be completed by the end of March 2013.

### 3.4 Access & Machinery

Access to the site can be achieved via the existing access road at the base of the Perisher Quad Express Chairlift or via the vehicle track across Front Valley from Pump Station 4, and then travel up or down the disturbed ski slopes on Front Valley.

The machinery proposed to be used will include a 22 tonne excavator plus the use of HD carriers, plus 4WD and 6WD vehicles where required.

### 3.5 Rehabilitation Works

As documented in the SEMP provided in Appendix D, revegetation of all disturbed areas will be undertaken immediately following completion of works to provide stabilisation of cleared areas prior to winter.

This process will include preparing the soil and reseeding with a 50:50 mix of native Poa seed and Chewings fescue seed to ensure rapid growth of vegetation for adequate stabilisation. Mulching of exposed areas will be undertaken following seeding with weed free straw and sprayed anionic emulsion.

## 4. KEY MATTERS FOR CONSIDERATION

### 4.1 Fauna and Flora

A fauna and flora investigation and assessment of the subject site was undertaken to assess the biological environment and the potential effects on threatened and migratory species, endangered populations and ecological communities of the proposal.

This assessment was undertaken by Ryan Smithers, Senior Ecologist with Eco Logical Australia and included fieldwork undertaken in November 2012.

The objectives of the investigation undertaken were:

- *to identify and describe the flora species and vegetation communities present in the study area and their conservation significance;*
- *to identify and describe the fauna habitats present in the study area and their condition;*
- *to identify the fauna species which are present or likely to occur in the study area, and their conservation significance;*
- *to assess the impacts of the proposal on vegetation, fauna, habitats, and other environmental features as necessary; and*
- *to make recommendations regarding any environmental management and impact mitigation/amelioration measures, which can be implemented to limit the effects of the proposal on vegetation, fauna, habitats, and other environmental features as necessary.*

The flora and fauna assessment report, provided in full in Appendix C, provides the findings of a review of the relevant literature, database searches, as well as field survey and consultation with relevant agencies. It also addresses relevant statutory considerations associated with the proposal.

#### **Field assessment and survey**

The field assessment and survey identified forty-four [44] plant species, comprising of thirty-five [35] native species and nine [9] introduced species. One [1] threatened flora species, the Anemone Buttercup was detected at several locations within the study area and immediate surrounds. Safeguards have been incorporated into the proposal to ensure that the Anemone Buttercup individuals within the study area are protected during the implementation of the proposal.

No other threatened flora species were detected within the study area or immediate surrounds.

Targeted fauna surveys during the survey period resulted in eleven [11] native and one [1] exotic fauna species being detected within or immediately surrounding the study area including two [2] mammals, seven [7] birds, two [2] reptiles and one [1] amphibian.

Evidence of the threatened Broad-toothed Rat was recorded in and adjacent to the study area although no nests were located.

Impacts on native fauna species including the Broad-toothed Rat are considered relatively minor and acceptable given that similar habitats are widespread and the impacts associated with the proposal are limited to a very small amount of native vegetation being removed.

The study area and immediate surrounds do not support any critical fauna habitats, nor any other important resources for any threatened fauna species, that are not available extensively immediately beyond the study area and in the locality generally

With regard to vegetation communities, three (3) vegetation communities were identified within the study area and immediate surrounds including Tall Alpine Heath with Eucalypts, Upland Bog and Exotic Grassland.

As the proposal has been designed to avoid the Upland Bog vegetation community, the proposal will have no adverse impacts on this community.

With regard to the Tall Alpine Heath vegetation community, the proposal will result in the disturbance of approximately 60m<sup>2</sup>, which represents 0.001% of the community within the Perisher Range Resorts and will also include the removal of forty-one (41) Snow Gums.

These impacts are further mitigated by undertaking environmental offsets as outlined below in Section 4.2 of this SEE.

## **Conclusion**

An assessment of significance under Section 5A of the NSW Environmental Planning and Assessment Act, 1979 as required by the NSW Threatened Species Conservation Act, 1995 and Fisheries Management Act, 1994, in accordance with relevant assessment guidelines, was undertaken on those species and threatened communities known within the study area and immediate surrounds or with potential to occur there. The outcome of this assessment was that it is unlikely that the development would significantly impact on those threatened species assessed. A Species Impact Statement is therefore not required for the proposal.

Furthermore, an assessment of significance under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 was undertaken on those species and threatened communities known within the study area and immediate surrounds or with potential to occur there. The outcome of this assessment was that it is unlikely that the development would significantly impact on those threatened species or ecological communities assessed, and a referral to the Commonwealth Environment Minister is not necessary.

## **4.2 Environmental Offsets**

To offset the environmental impacts associated with the proposed tree, rock and associated heath removal, it is proposed to plant eight-two (82) locally propagated Snow Gums within an area measuring 300m<sup>2</sup> which will be planted in combination with sub-alpine heath. This will provide an offset ratio of 2:1 for the trees and approximately 5:1 for the sub-alpine heath, which will also improve habitat connectivity.

The location for these offsets has been selected between two existing native vegetation islands on the southern side of Sturt T-bar, as illustrated in Figure 9 below.



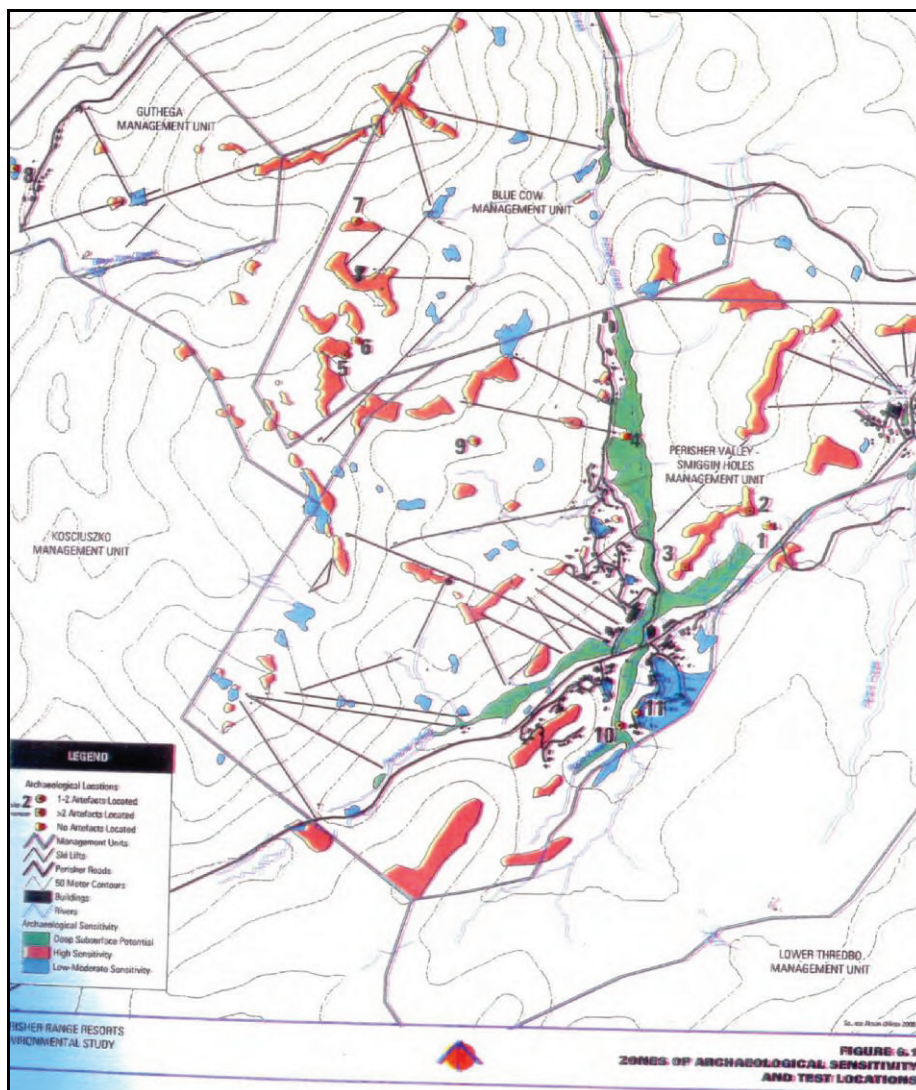
*Figure 9: Location for proposed environmental offsets (shown in purple) between the two tree islands on the southern side (skier's right) of Sturt T-bar*

This location was selected as it is highly disturbed, and is not a trafficable ski run. Furthermore the planting of heath and trees in this location will provide improved snow accumulation for the T-bar track and will provide connectivity between two existing islands.

### **4.3 Aboriginal Cultural Heritage**

The identification and mapping of known and potential area 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 10.

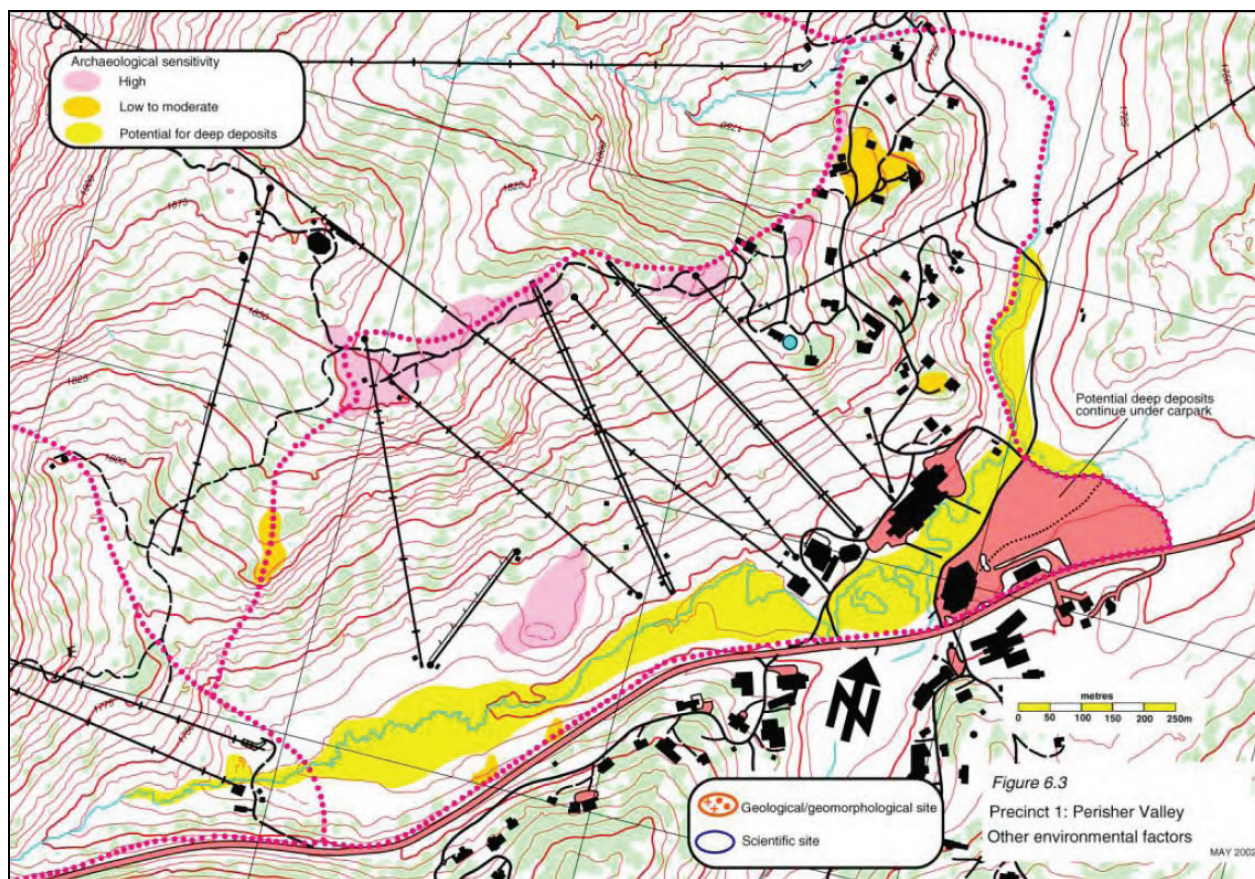


**Figure 10: Zones of Archeological Sensitivity**  
*(source: Perisher Range Resorts Environmental Study, Connell Wagner, 2000)*

The proposed development is not located within a zone of high or low to moderate areas of archeological sensitivity or an area containing potential for deep subsurface archeological deposits.

An extract of the ‘Other Environmental Factors Map’ for the Perisher Valley Precinct as identified in the Perisher Ski Slope Master Plan (PSSMP) is provided below in Figure 11 (which provides a better scale and resolution). This map is based on the predictive model undertaken by Navin Officer for Connell Wagner and confirms that the proposed tree, heath and rock removal works and relocation of a hut, snowmaking infrastructure, and lights are not located within these predicted sensitivity areas.





**Figure 11: Other environmental factors maps for the Perisher Valley Precinct**  
(source: PSSMP)

Further Archeological Assessment is therefore not warranted. In the unlikely event that Aboriginal items are uncovered during excavation, all work shall cease at that location and the NSW Office of Environment and Heritage (OEH) shall be notified.

## 5. ENVIRONMENTAL AND PLANNING LEGISLATION

### 5.1 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979

#### 5.1.1 SECTION 79C(1)(a)(i) – ENVIRONMENTAL PLANNING INSTRUMENTS

The only applicable Environmental Planning Instrument to the proposed development and site is State Environmental Planning Policy (Kosciuszko National Park – Alpine Resorts) 2007 (SEPP Alpine Resorts). The relevant clauses contained within SEPP Alpine Resorts are addressed below:

#### Clause 11 - Land Use Table:

The land use table for the Perisher Range Alpine Resort specifies that 'Ski slopes' are permitted with consent. The proposed development is predominantly for the widening and re-alignment of a Slopestyle course which forms part of a 'Ski slope' and also includes relocating a hut, snowmaking infrastructure and lighting and erecting an entrance feature, which are all permissible with consent.

#### Clause 14 - Matters for consideration:

Matter for Consideration	Response
Cl.14 (1) In determining a development application that relates to land to which this Policy applies, the consent authority must take into consideration any of the following matters that are of relevance to the proposed development:	
(a) the aim and objectives of this Policy, as set out in clause 2,	<i>The proposed development is considered to be consistent with the aims and objectives of the Policy.</i>
(b) the extent to which the development will achieve an appropriate balance between the conservation of the natural environment and any measures to mitigate environmental hazards (including geotechnical hazards, bush fires and flooding),	<i>The proposed development does not require any measures to mitigate environmental hazards (eg geotechnical, bush fires or flooding) that would impact on the conservation of the natural environment.</i>
c) having regard to the nature and scale of the development proposed, the impacts of the development (including the cumulative impacts of development) on the following: <ul style="list-style-type: none"> <li data-bbox="231 1480 774 1603">(i) the capacity of existing transport to cater for peak days and the suitability of access to the alpine resorts to accommodate the development,</li> <li data-bbox="231 1630 735 1753">(ii) the capacity of the reticulated effluent management system of the land to which this Policy applies to cater for peak loads generated by the development,</li> <li data-bbox="231 1780 743 1881">(iii) the capacity of existing waste disposal facilities or transfer facilities to cater for peak loads generated by the development,</li> <li data-bbox="231 1908 783 1984">(iv) the capacity of any existing water supply to cater for peak loads generated by the development,</li> </ul>	<i>The proposed development will not generate any additional demand on the capacity of the existing transport, reticulated effluent management system, existing waste disposal facility or existing water supply system at the resort.</i>

<p>(d) any statement of environmental effects required to accompany the development application for the development,</p>	<p><i>This Statement of Environmental Effects satisfies this sub-clause.</i></p>
<p>(e) if the consent authority is of the opinion that the development would significantly alter the character of the alpine resort—an analysis of the existing character of the site and immediate surroundings to assist in understanding how the development will relate to the alpine resort,</p>	<p><i>The proposed development will not significantly alter the character of the alpine resort.</i></p>
<p>(f) the Geotechnical Policy—Kosciuszko Alpine Resorts (2003, Department of Infrastructure, Planning and Natural Resources) and any measures proposed to address any geotechnical issues arising in relation to the development</p>	<p><i>The proposed works are located within the 'G' line.</i></p> <p><i>Tree and rock removal works do not require a Geotechnical assessment, however the footings for the light towers, hut and entrance feature do require footings and therefore a Form 4 Certificate has been prepared by JK Geotechnics and will be provided separately with the DA.</i></p>
<p>(g) if earthworks or excavation works are proposed—any sedimentation and erosion control measures proposed to mitigate any adverse impacts associated with those works,</p>	<p><i>Sedimentation and erosion controls are outlined in the SEMP provided in Appendix D and these will mitigate any adverse impacts associated with such works.</i></p>
<p>(h) if stormwater drainage works are proposed—any measures proposed to mitigate any adverse impacts associated with those works,</p>	<p><i>Not applicable - No stormwater drainage works are proposed or required.</i></p>
<p>(i) any visual impact of the proposed development, particularly when viewed from the Main Range,</p>	<p><i>The only visible components of the proposal will be the relocated snowmaking infrastructure, light poles, hut and new entrance feature.</i></p> <p><i>These features are common throughout the resort and part of the character of ski slopes.</i></p> <p><i>The tree and rock removal works are located adjacent to heavily disturbed ski runs. Offsets include planting additional trees and heath, so any potential visual impacts will be mitigated.</i></p> <p><i>The proposed components will not be visible from the main range due to their location within Front Valley.</i></p>
<p>(j) the extent to which the development may be connected with a significant increase in activities, outside of the ski season, in the alpine resort in which the development is proposed to be carried out,</p>	<p><i>The proposed development will not increase activities outside of the ski season.</i></p>
<p>(k) if the development involves the installation of ski lifting facilities and a development control plan does not apply to the alpine resort:</p> <p style="padding-left: 40px;">(i) the capacity of existing infrastructure facilities, and</p> <p style="padding-left: 40px;">(ii) any adverse impact of the development on access to, from or in the alpine resort,</p>	<p><i>The development does not involve the installation of a ski lift.</i></p>

<p>(l) if the development is proposed to be carried out in Perisher Range Alpine Resort:</p> <p>(i) the document entitled Perisher Range Resorts Master Plan, as current at the commencement of this Policy, that is deposited in the head office of the Department, and</p> <p>(ii) the document entitled Perisher Blue Ski Resort Ski Slope Master Plan, as current at the commencement of this Policy, that is deposited in the head office of the Department,</p>	<p><i>The current Slopestyle course was not contemplated in the Perisher Ski Slope Master Plan, however terrain parks and freestyle facilities are, and the proposed widening and re-alignment of the Slopestyle course is considered consistent with the Perisher Ski Slope Master Plan.</i></p>
<p>(m) if the development is proposed to be carried out on land in a riparian corridor:</p> <p>(i) the long term management goals for riparian land, and</p> <p>(ii) whether measures should be adopted in the carrying out of the development to assist in meeting those goals.</p>	<p><i>The development is located outside of the riparian corridor as illustrated in Figure 12 below.</i></p>
<p>(2) The long term management goals for riparian land are as follows:</p>	
<p>(a) to maximise the protection of terrestrial and aquatic habitats of native flora and native fauna and ensure the provision of linkages, where possible, between such habitats on that land.</p>	<p><i>Not applicable.</i></p>
<p>(b) to ensure that the integrity of areas of conservation value and terrestrial and aquatic habitats of native flora and native fauna is maintained,</p>	
<p>(c) to minimise soil erosion and enhance the stability of the banks of watercourses where the banks have been degraded, the watercourses have been channelised, pipes have been laid and the like has occurred.</p>	
<p>(3) A reference in this clause to land in a riparian corridor is a reference to land identified as being in such a corridor on a map referred to in clause 5.</p>	

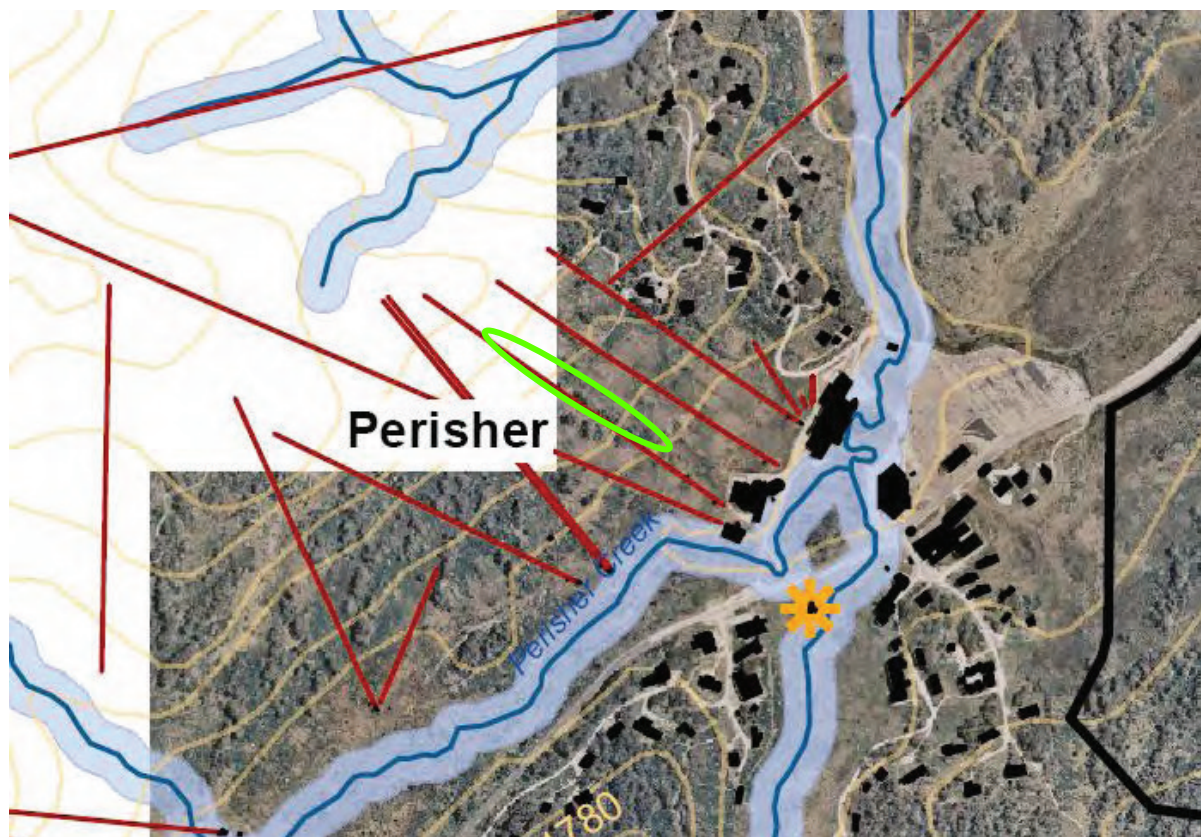


Figure 12: The proposed development is located to the north of the Perisher Express Quad Chairlift, outside of the riparian corridor identified for Perisher Creek

### 5.1.2 SECTION 79C(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 79C(1)(a)(iii) – DEVELOPMENT CONTROL PLANS

There are no Development Control Plans applicable to the Kosciuszko Alpine Resorts under State Environmental Planning Policy (Kosciuszko National Park – Alpine Resorts) 2007.

### 5.1.4 SECTION 79C(1)(a)(iii)a) – PLANNING AGREEMENTS

There are no Planning Agreements applicable to the Kosciuszko Alpine Resorts under State Environmental Planning Policy (Kosciuszko National Park – Alpine Resorts) 2007.

### 5.1.5 SECTION 79C(1)(a)(iv) – REGULATIONS

The development application has been made in accordance with the requirements contained in Clause 50(1A) of the Environmental Planning and Assessment Regulation 2000.

### 5.1.6 SECTION 79C(1)(b) – LIKELY IMPACTS

#### Natural and Built Environment:

Impacts on the natural environment have been considered as part of a comprehensive fauna and flora assessment undertaken and provided in Appendix C.

This assessment determined that given the extent and location of the proposed works, the proposal is not expected to have any effects on the native vegetation communities and associated habitats which occur beyond the subject works area.

Along with the environmental offsets proposed and the mitigation measures outlined in the SEMP, the likely impacts on the natural environment have been mitigated.

The impacts on the built environment are expected to be negligible, as all of the infrastructure is being relocated, except for the new entrance feature.

#### **Social and Economic impacts in the locality:**

The social and economic impacts from the proposed development will be beneficial by providing a wider and safer Slopestyle course and providing a wider and safer ski run on the southern edge of Front Valley.

#### **5.1.7 SECTION 79C(1)(c) – SUITABILITY OF THE SITE**

The subject site is considered suitable to accommodate the proposed development as the site is already used for snow sport activities.

#### **5.1.8 SECTION 79C(1)(d) – SUBMISSIONS**

Not applicable.

#### **5.19 SECTION 79C(1)(e) – THE PUBLIC INTEREST**

The above assessment has demonstrated that the proposal satisfies the objectives and relevant clauses prescribed under State Environmental Planning Policy (Kosciuszko National Park – Alpine Resorts) 2007 and is therefore considered to be within the public interest.

### **5.2 NATIONAL PARKS AND WILDLIFE ACT, 1974**

The National Parks and Wildlife Act, 1974 (NPW Act, 1974) governs the establishment, preservation and management of national parks, historic sites and certain other areas. The NPW Act also provides the basis for the legal protection and management of threatened native flora and fauna and Aboriginal sites within NSW.

As detailed in Section 4 of the report, the proposed development will generate minimal impacts on native fauna and flora and Aboriginal sites and artifacts, which will ensure the development is consistent with the provisions of the NPW Act, 1974.

### **5.3 THREATENED SPECIES CONSERVATION ACT, 1995**

The Threatened Species Conservation Act, 1995 (TSC Act, 1995) requires the consideration of potential impacts on threatened species, populations and or ecological communities. The Act requires that a Species Impact Statement be prepared for a development proposal that is likely to significantly affect threatened species, populations or ecological communities or their habitats.

The factors to be taken into account in deciding whether there is a significant effect are set out in Section 5A of the EP&A Act, 1979 and are based on a 7 part test of significance.

An assessment of the impacts of the proposed development on threatened species, populations and or ecological communities and their habitats has been undertaken and provided in Appendix C.

## **5.4 ENVIRONMENT PROTECTION AND BIODIVERSITY ACT, 1999 (COMMONWEALTH)**

The Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act, 1999) provides for the protection of the environment, especially matters of national environmental significance (NES). Under the EPBC Act, a person must not take an action that has, will have, or is likely to have a significant impact on any of the matters of NES without approval from the Australian Government Environment Minister or the Minister's delegate.

A referral must be made for actions that are likely to have a significant impact on the following matters protected by Part 3 of the EPBC Act:

- World Heritage properties (sections 12 and 15A)
- National Heritage places (sections 15B and 15C)
- Wetlands of international importance (sections 16 and 17B)
- Listed threatened species and communities (sections 18 and 18A)
- Listed migratory species (sections 20 and 20A)
- Protection of the environment from nuclear actions (sections 21 and 22A)
- Commonwealth marine environment (sections 23 and 24A)
- Great Barrier Reef Marine Park (sections 24B and 24C)
- The environment, if the action involves Commonwealth land (sections 26 and 27A), including:
  - actions that are likely to have a significant impact on the environment of Commonwealth land (even if taken outside Commonwealth land);
  - actions taken on Commonwealth land that may have a significant impact on the environment generally;
- The environment, if the action is taken by the Commonwealth (section 28)
- Commonwealth Heritage places outside the Australian jurisdiction (sections 27B and 27C)

A search of the matters of national environmental significance database for Perisher Valley was undertaken and identified that two of the above matters are relevant to the proposed development as addressed below.

### **5.4.1 National Heritage Listing**

Under the EPBC Act, 1999, the 'Australian Alps National Parks and Reserves – Kosciuszko National Park' was included on the National Heritage List on the 7 November 2008. The Alps were listed for their outstanding natural and cultural heritage significance to the nation.

Under the EPBC Act, a referral must be made for actions that are likely to have a significant impact on a National Heritage Place, such as the Australian Alps.

To determine whether an action is likely to have a significant impact, the significant impact criteria provided in the Commonwealth Department of Environment and Heritage 'EPBC Act Policy Statement 1.1: Significant Impact Guidelines for Matters of National Environmental Significance, May 2006' applies.

The Guidelines state that an action is likely to have a significant impact on the National Heritage values of a National Heritage place if there is a real chance or possibility that it will cause:

- one or more of the National Heritage values to be lost;
- one or more of the National Heritage values to be degraded or damaged; or
- one or more of the National Heritage values to be notably altered, modified, obscured or diminished.

An assessment of impact against the National Heritage List Criteria and the National Heritage values of the Australian Alps has been undertaken and provided in the following table below:

**National Heritage Assessment Table**

<b>Criterion</b>	<b>Impact on Values</b>
(a) the place has outstanding heritage value to the nation because of the place's importance in the course, or pattern, of Australia's natural or cultural history	<p><i>The Australian Alps National Parks is listed under this criterion for its glacial and periglacial features; fossils; karst areas; biological heritage; moth feasting; transhumant grazing; scientific research; water harvesting; and recreation.</i></p> <p><i>The proposed development within the Perisher Ski Resort would not conflict with any of the above values of the AANP.</i></p>
(b) the place has outstanding heritage value to the nation because of the place's possession of uncommon, rare or endangered aspects of Australia's natural or cultural history	<p><i>The Australian Alps is listed under this criterion for its landscape and topography; glacial and periglacial features; fossils; alpine and sub-alpine systems; and eucalypt flora communities.</i></p> <p><i>The proposed development would generate minimal impacts on the overall landscape of the Australian Alps and would not conflict with any of the above heritage values.</i></p>
(c) the place has outstanding heritage value to the nation because of the place's potential to yield information that will contribute to an understanding of Australia's natural or cultural history	<i>Not Applicable.</i>
(d) the place has outstanding heritage value to the nation because of the place's importance in demonstrating the principal characteristics of: (i) a class of Australia's natural or cultural places, or (ii) a class of Australia's natural or cultural environments	<p><i>The Australian Alps are listed for the North-East Kosciuszko Landscape values.</i></p> <p><i>The subject site is located within the Perisher Range Resorts and are not located within the North-Eastern area of Kosciuszko National Park.</i></p>
(e) the place has outstanding heritage value to the nation because of the place's importance in exhibiting particular aesthetic characteristics valued by a community or cultural group	<p><i>The Australian Alps are listed under this criterion for their powerful, spectacular and distinctive landscape that is highly valued by the community.</i></p> <p><i>These aesthetic characteristics include the KNP main range for its mountain vistas, panoramas, snow covered crests, slopes and valleys, alpine streams and rivers and lakes.</i></p> <p><i>The proposed development would not impact on any of these heritage values.</i></p>



<p>(f) the place has outstanding heritage value to the nation because of the place's importance in demonstrating a high degree of creative or technical achievement at a particular period</p>	<p><i>Not Applicable.</i></p>
<p>g) the place has outstanding heritage value to the nation because of the place's strong or special association with a particular community or cultural group for social, cultural or spiritual reasons</p>	<p><i>The Australian Alps have a special association with the Australian community because of their unique landscapes, the possibility of experiencing remoteness and as the only opportunity for broad-scale snow recreation in Australia. The AANP is widely recognised by Australians as the 'high country' and many community groups have a special association with the AANP for social and cultural reasons.</i></p> <p><i>The proposed development would not impact on the above values.</i></p>
<p>(h) the place has outstanding heritage value to the nation because of the place's special association with the life or works of a person, or group of persons, of importance in Australia's natural or cultural history</p>	<p><i>The place is listed under this criterion for its association with the life or works of prominent people such as Baron Ferdinand Von Mueller, Eugen Von Guerard, writers 'Banjo' Patterson, Elyne Mitchell and David Campbell.</i></p> <p><i>The proposed development would not have any impact on the life or works of people with importance to the AANP.</i></p>
<p>(i) the place has outstanding heritage value to the nation because of the place's importance as part of Indigenous tradition.</p>	<p><i>Not Applicable.</i></p>

The above assessment has concluded that the proposed development will not have a significant impact on the values of the Australian Alps National Park and therefore referral and approval under the EPBC, Act 1999 is not required.

#### 5.4.2 Listed threatened species and communities

An assessment of the impact of the proposed development on the relevant Commonwealth Listed threatened species and communities has been undertaken and provided in the Fauna and Flora assessment in Appendix C.

The assessment has concluded that the proposed development is unlikely to have a significant impact on matters of National Environmental Significance or Commonwealth land, following consideration of the administrative guidelines for determining significance under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 and, hence a referral to the Commonwealth Minister is not necessary.

## 6. CONCLUSION

The proposed widening and re-alignment of the Slopestyle course is proposed to create an improved freestyle terrain facility that provides additional features and also removes obstacles creating a safer environment and improved grooming operations. The re-alignment of the course to the south, will also allow for the ski run on the southern side of the Village Eight Chairlift Towers (skier's right) to be wider, which will allow for limited ski racing events, including Interschools to be undertaken on Front Valley.

The proposal will require the removal of trees, rocks and some limited heath, however these are all located in islands, adjacent to heavily disturbed ski runs. To offset the impacts associated with these works, the proposal includes planting trees at a ratio of 2:1 and heath at a ratio of 5:1 across a 300m<sup>2</sup> area on the southern edge of the Sturt T-bar between two tree islands, to create improved habitat connectivity.

Any associated impacts with the proposed works will be further minimised through the application of the measures identified in the Site Environmental Management Plan.

To ensure that all the environmental and associated legislation is complied with and fulfilled, the proposed development has been considered in regard to Section 79C of the Environmental Planning and Assessment Act, 1979, Threatened Species Conservation Act, 1995, Fisheries Management Act, 1994, National Parks and Wildlife Act, 1974, Environment Protection and Biodiversity Conservation Act, 1999 and State Environmental Planning Policy (Kosciuszko National Park – Alpine Resorts) 2007.

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

On balance, the proposed development will generate positive social and economic impacts by providing improved freestyle facilities and a widened ski run for the resort whilst minimising impacts on the natural environment including flora and fauna.