



**DEVELOPMENT ASSESSMENT REPORT
DA 025-10-2012**



**Replacement of Lift Safety Circuit,
Brumby T-bar, Blue Cow,
Perisher Range alpine resort**

Proposed by Perisher Blue Pty Ltd

Part 4 of the
Environmental Planning and Assessment Act 1979

February 2013

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1 EXECUTIVE SUMMARY

This report is an assessment of development application DA 025-10-2012 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 replace the Brumby T-bar lift safety circuit at Blue Cow Mountain, 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 clause 11 of the Alpine SEPP and the Perisher Range Alpine Resort land use table, 'lifting facilities' are permissible with consent.

Key considerations

The proposal has been considered against the relevant matters for consideration. The key considerations arising from this assessment are summarised below.

Threatened species, populations, ecological communities, and their habitats

There is a wet area between Towers 2 and 3 that conforms to the endangered ecological community (EEC) *Montane peatlands and swamps* listed under the TSC Act. The applicant proposes to avoid any disturbance of this area by laying the conduits by hand and above-ground for this section.

Flora and fauna

Any impacts to flora and fauna have been minimised through the selection of a previously disturbed corridor for the trenching and by adopting the sod replacement technique as far as possible which will maintain the existing vegetation cover and seed bank.

Site environmental management

The site environmental management measures proposed by the applicant along with those recommended in the conditions of consent (Appendix B) are considered adequate to ensure there is not an adverse environmental impact as a result of construction works. Construction works will be confined to a six metre wide previously disturbed corridor and no vehicles or machinery are permitted near the area of EEC.

Perisher Blue Ski Resort Ski Slope Master Plan (SSMP)

The proposal is consistent with the SSMP in that the cable is proposed to be buried in a trench and in the environmentally sensitive location, laid above ground by hand.

Consultation

The proposal was referred to the NSW Environment and Heritage (OEH) pursuant to clause 17 of the Alpine SEPP. The OEH advised that the final proposed route is acceptable, the assessment of potential impacts on Aboriginal cultural heritage values described in the statement of environmental effects (SEE) has followed a satisfactory process and no further assessment is required, the proposal is permissible under the licence held by the proponent, and there are no issues relating to municipal services.

Conclusion

After consideration of the proposal against the relevant statutory considerations it is concluded that the proposed development is appropriate. The development is permissible with consent, there will not be a significant effect on the EEC, the method of installation of the cable will minimise any environmental impacts, and the site environmental management measures are adequate to ensure that there will not be an adverse environmental impact during construction. It is therefore recommended that consent be granted subject to the conditions contained in Appendix B.

2 BACKGROUND

2.1 Locality

The Perisher Range alpine resort is located within Kosciuszko National Park, approximately 35 kilometres from Jindabyne. The Brumby T-bar is located within the Blue Cow precinct of the Perisher Range alpine resort, and takes skiers/snowboarders from the base of Pleasant Valley back up to the Blue Cow terminal.



2.2 Site description



Photograph 1: View of the existing maintenance access track upslope of Tower 3.

The proposed trench route upslope of Tower 3 follows an existing maintenance access track which is vegetated with predominantly native and exotic grasses, with some scattered dry heath (see Photograph 1).



Photograph 2: View upslope between Towers 2 and 3.

The section between Towers 2 and 3 comprises of wet vegetation, an area of which conforms to EEC (see Photograph 2). The cabling will be hand laid above-ground in this area.



Photograph 3: View upslope with Tower 1 in the foreground.

The proposed trench route below Tower 2 will follow an existing corridor comprising of native and exotic species, with some scattered heath (see Photograph 3).

2.3 Background to the proposal

The lift safety circuit is currently suspended overhead from tower to tower, which has caused operational problems as the safety circuit has deteriorated with age and has been damaged by lightning, wind, ice and UV.

Installing a new safety circuit in conduit either underground or laid above-ground will better protect the lift safety circuit from the elements. This will in turn provide for the safer and more reliable operation of the Brumby T-bar. Housing the new cable in the conduit will also allow for replacements without further ground disturbance in the future.

3 THE PROPOSED DEVELOPMENT

The applicant proposes to install a new lift safety circuit between the top and bottom of the Brumby T-bar at Blue Cow. This will involve:

- excavating a trench between the bottom lift hut and Tower 3 for the laying of conduits and cables;
- laying the conduits and cables above ground between Towers 2 and 3;
- excavating a trench between Towers 3 and 7 for the laying of conduits and cables; and
- installation of electrical pits at the base of each tower.

Trenches are proposed at a depth of 0.5 metres and width of 0.3 metres. The electrical pits will be at a similar depth but with a width of 0.25 metres and length of 0.4 metres. Two 50mm conduits will house the lift safety circuit cabling.

The applicant proposes to rehabilitate the disturbed areas using the sod replacement technique, although where this is not possible the ground will be mulched and seeded with a Chewings Fescue and *Poa fawcettiae* mix.

The estimated cost of the works is \$15,000.

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

'Lifting facilities' are permissible with consent pursuant to clause 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;
- sections 5A and 79C of the EP&A Act;
- the Alpine SEPP; and
- the Perisher Blue SSMP 2002.

The full assessment is provided in Appendix A and a discussion of the key matters 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 clause 17 of the Alpine SEPP. The comments provided by the OEH are:

- the final proposed route (including the alternative route and method of hand laying the cable between Towers 2 and 3) is acceptable;
- the assessment of potential impacts on Aboriginal cultural heritage values described in the statement of environmental effects (SEE) has followed a satisfactory process and no further assessment is required;
- the proposal is permissible under the licence held by the proponent; and
- there are no issues relating to municipal services.

6 CONSIDERATION

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

6.1 Threatened species, populations, ecological communities, and their habitats

There is a wet area between Towers 2 and 3 that conforms to the EEC *Montane peatlands and swamps* listed under the TSC Act. To ensure that there is no damage to this EEC, the applicant proposes to lay the conduits by hand above-ground for this section. This will avoid any disturbance in this area and there will therefore not be a significant impact on this EEC as a result of the proposal.

6.2 Flora and fauna

To minimise any disturbance to native vegetation, the applicant proposes to utilise existing disturbed corridors for the trenching. These areas generally form part of the existing maintenance access track and are dominated by a mix of exotic and native grasses with some scattered native heath. To further minimise any impacts, the sod replacement technique is proposed to be employed as far as possible which will maintain the existing vegetation cover and seed bank.

6.3 Site environmental management

The site environmental management measures proposed by the applicant and recommended in the conditions of consent (Appendix B) are considered adequate to ensure there is not an adverse environmental impact as a result of construction works. Construction works will be confined to a six metre wide corridor and all site environmental management measures will be contained within this roped/fenced construction corridor. Vehicular access is available at either end of the corridor from the existing track network which will avoid any need to cross the EEC area between Towers 2 and 3. Staging areas are proposed at either end of the construction corridor within previously disturbed areas forming part of the ski slopes.

6.4 Perisher Blue Ski Resort Ski Slope Master Plan (SSMP)

The SSMP indicates that if reasonable access is available along a lift line, then communication cables should be buried in a trench as this offers the greatest security. Where access is difficult and exposure to wind and ice formation precludes an overhead communications cable, then the SSMP indicates that the cable should be laid in or on the ground. The proposal is consistent with the SSMP in that the cable is proposed to be buried in a trench and in the environmentally sensitive location, laid above-ground by hand.

7 CONCLUSION

After consideration of the proposal against the relevant statutory considerations, including the objects of and sections 5A and 79C of the EP&A Act, and the Alpine SEPP, it is concluded that the proposal is appropriate. The development is permissible with consent, there will not be a significant effect on the EEC, the method of installation of the cable will minimise any environmental impacts, and the site environmental management measures are adequate to ensure that there will not be an adverse environmental impact during construction. It is

therefore recommended that consent be granted subject to the conditions contained in Appendix B.

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 section 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 section 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 025-10-2012** for the installation of a lift safety circuit for the Brumby T-bar, Blue Cow, 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 025-10-2012 (refer to **Notice of Determination**).

Prepared by:



Erin Fuller
Senior Planner
Alpine Resorts Team

Approved by:

Daniel James
Team Leader
Alpine Resorts Team

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

Appendix A – Statutory Assessment & Consideration

A.1 ECOLOGICALLY SUSTAINABLE DEVELOPMENT

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

Integration Principle – The long-term and short-term potential economic, environmental, and social impacts of the proposal have been considered, and it is not considered that any adverse impacts will result. The environmental impacts will be minimised through the use of the sod replacement technique and by laying the conduit above-ground over the EEC.

Precautionary Principle – The proposal does not pose a threat of serious or irreversible environmental damage. Any disturbed areas can be appropriately rehabilitated and no disturbance to the EEC is involved.

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. The sod replacement technique will maintain the existing vegetation cover and seed bank, while the EEC will not be disturbed.

Valuation Principle – The applicant has recognised the habitat value of the native vegetation and the EEC. This is evident given the proposal to use the sod replacement technique and avoid any disturbance to the EEC.

A.2 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

A.2.1 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.

A.2.2 Section 5A - Significant effect on threatened species, populations or ecological communities, or their habitats

There is a wet area between Towers 2 and 3 that conforms to the EEC *Montane peatlands and swamps* listed under the TSC Act. To ensure that there is no damage to this EEC, the applicant proposes to lay the conduits by hand and above-ground for this section. This will avoid any disturbance in this area and there will therefore not be any significant impact on this EEC as a result of the proposal.

A.2.3 Section 79C(1) - Matters for consideration - general

In determining a development application, a consent authority must take into consideration the matters referred to in section 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
See discussion against the Perisher Blue SSMP under the Alpine SEPP in section A.3.
S 79C(1)(a)(iiiia) the provisions of any planning agreement
None are applicable to the proposal.
S 79C(1)(a)(iv) the provisions of any regulations
<u>Cl 92 of the EP&A Regulation 2000</u> – Demolition will need to be undertaken in accordance with <i>AS 2601 The demolition of structures</i> and this is reflected in the conditions contained in Schedule 2. The site is not within the coastal zone.
S 79C(1)(a)(v) any coastal zone management plan
N/A
S 79C(1)(b) the likely impacts of that development
<p><u>Context, setting and visual</u> – The new lift safety circuit is proposed to be installed predominantly underground, with a small section to be laid above-ground amongst existing vegetation. In this regard, there will not be an adverse visual impact as a result of the proposal.</p> <p><u>Access, transport and traffic</u> - The proposal will not impact upon traffic management within the resort. Construction access is available from the existing road network and access tracks.</p> <p>The construction corridor will comprise of a six metre corridor following the alignment of the trench line. To ensure that this disturbance area is no wider than six metres, a condition has been included in Schedule 2 requiring this to be fenced prior to works commencing and that all vehicles and machinery are to be excluded from the alpine bog area (EEC).</p> <p><u>Public Domain</u> - The proposal will not adversely impact upon any public spaces.</p> <p><u>Utilities and Energy</u> – Replacement of the lift safety circuit is not expected to adversely impact on any utilities or electricity.</p> <p><u>Heritage</u> – The proposal will not impact on any European heritage items. See comments below from OEH in regard to Aboriginal cultural heritage.</p> <p><u>Other Land Resources</u> – The proposal is not envisaged to impact on any valuable land resources.</p> <p><u>Water</u> – None of the works proposed are within 40 metres of a watercourse.</p> <p><u>Soils</u> - The proposal includes appropriate site environmental management measures that will be implemented during construction to prevent erosion and control sediment during construction.</p> <p><u>Noise, Vibration, Air and Microclimate</u> – Impacts in this regard will be small-scale and short-term during construction and involve primarily noise, dust and vehicle emissions. There are no neighbouring lodges that will be adversely impacted in this regard.</p> <p><u>Flora and fauna</u> – The trench route is proposed through previously disturbed areas dominated by exotic and native grasses with some scattered native heath. The applicant</p>

proposes to rehabilitate using the sod replacement technique as far as possible which will minimise any impacts on flora and fauna.

To ensure that there is no impact on the EEC between Towers 2 and 3, the applicant proposes to lay the conduits by hand over this area.

Waste – Any waste generated will be during construction only. A condition has been included in Appendix B providing for the appropriate containment of waste on site.

Natural Hazards – There are no known hazards that would preclude the development.

Social Impact – The installation of a new lift safety circuit is not envisaged to have any adverse social impacts.

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

Site Design and Internal Design – The location of the conduit has been chosen for efficiency, to minimise environmental disturbance, and to ensure skier safety, and is considered appropriate.

Construction – The applicant has provided adequate site environmental management details for the proposal. It is recommended that these are reinforced and supplemented by the roping/fencing of the construction corridor (to limit construction creep) in any conditions of consent (see Appendix B).

Cumulative Impacts – The installation of a new lift safety circuit is not envisaged to contribute to any cumulative impact in the locality. The conduits will not be visually intrusive and environmental disturbance has been minimised through the use of the sod replacement technique and the laying of the conduit by hand over the EEC.

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

The site is considered suitable for the development as it is a corridor immediately below the lift line, there are no known hazards that would preclude the development, and the chosen corridor will minimise any environmental impacts.

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 safer and more reliable lift line without any adverse environmental impacts.

A.3 ENVIRONMENTAL PLANNING INSTRUMENTS

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

CI 2 – Aim and objectives:

The proposal is:

- consistent with the aim of the Alpine SEPP in that it is consistent with the ESD principles; and
- consistent with the objectives of the Alpine SEPP in that it will provide a safer and more reliable lift line without adversely impacting on the natural or cultural environment.

CI 11- Land use table
The land use table for the Perisher Range alpine resort provides that 'lifting facilities' are permissible with consent. The lift safety circuit is required for the operation of the Brumby T-bar lifting facility.
CI 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 clause 2.
(b) the conservation of the natural environment and any measures to mitigate environmental hazards (including geotechnical hazards, bush fires and flooding),
No specific measures are required to mitigate any environmental hazards that would impact on the conservation of the natural environment.
(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 conduits will not be visually intrusive as they are proposed underground or amongst vegetation.
(f) the Geotechnical Policy – Kosciuszko Alpine Resorts,
The proposed works are considered minor and a geotechnical report is not required under the Department's Geotechnical Policy. The works involve excavations no wider than 0.4 metres and 0.5 metres deep for the placement of conduits only. No structures are proposed to be erected as part of the development.
(g) any sedimentation and erosion control measures,
The applicant has provided adequate site environmental management details for the proposal, and it is recommended that these are supplemented by conditions (see Appendix B) relating to erosion prevention and sediment control.
(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 lift safety circuit will be concealed underground or amongst vegetation and 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...

Perisher Blue SSMP Appendix 9 – Ski Lifts:

The SSMP indicates that if reasonable access is available along the lift line, then communication cables should be buried in a trench as this offers the greatest security. Where access is difficult and exposure to wind and ice formation precludes an overhead communications cable, then the SSMP indicates that the cable should be laid in or on the ground.

The proposal is consistent with the SSMP in that the cable is proposed to be buried in a trench and in the environmentally sensitive location, laid above ground by hand.

(m) if the development is proposed to be carried out on land in a riparian corridor:

No sites are located within riparian corridors.

CI 17 – Development applications referred to the Department of Environment, Climate Change and Water (DECCW) (now the OEH):

The OEH provided the following comments on 17 December 2012:

- the final proposed route (including the alternative route and method of hand laying the cable between Towers 2 and 3) is acceptable;
- the assessment of potential impacts on Aboriginal cultural heritage values described in the statement of environmental effects (SEE) has followed a satisfactory process and no further assessment is required;
- the proposal is permissible under the licence held by the proponent; and
- there are no issues relating to municipal services.

CI 26 – Heritage conservation

European Heritage

The proposal will not impact on any European heritage items.

Aboriginal Heritage

See comments above from OEH.

Appendix B – Recommended Conditions of Consent