



**DEVELOPMENT ASSESSMENT REPORT
DA 5804**



**Proposed widening of the Slopestyle
Terrain Course, Front Valley, Perisher
Range alpine resort**

Proposed by Perisher Blue Pty Ltd

Part 4 of the
Environmental Planning and Assessment Act 1979

March 2013

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1 EXECUTIVE SUMMARY

This report is an assessment of development application DA 2804 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 widen the Slopestyle Terrain Course at Front Valley 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, 'ski slopes', 'ski slope huts', 'snow-making infrastructure' and 'recreation infrastructure' are permissible with consent.

Key considerations

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

Flora and fauna

The proposal will involve the permanent removal of 41 Snow Gums, 24 square metres of native heath vegetation and a number of rock outcrops along a corridor between the Slopestyle Terrain Course and the Sturt T-bar. The applicant proposes to offset these losses by planting 82 Snow gum trees and 800 square metres of native heath, and install three fauna crossings. This will significantly improve habitat connectivity between existing and fragmented vegetation islands in this area and is considered an appropriate outcome for the scale of works proposed.

Threatened species, populations, ecological communities and their habitats

There are five threatened species and one endangered ecological community (EEC) that occur or have the potential to occur within the study area. The assessment of significance for these species and EEC, in accordance with section 5A of the EP&A Act and the gazetted assessment guidelines, concludes that the proposed works will not have a significant impact on any of these species or the EEC.

Visual

Whilst the loss of the vegetation corridor will initially have a small visual impact, the applicant is proposing significant plantings to the south which, when established, should provide adequate compensation and improve visual amenity in the Front Valley area once the plants are established.

Geotechnical

The subject site falls within the G zone as identified in the Department's Geotechnical Policy – Kosciuszko Alpine Resorts. The geotechnical assessment supporting the development concludes that the proposed works will constitute minimal or no geotechnical impact and makes a number of recommendations to be taken into account during the design and construction phase of the development. The recommended conditions in Appendix B require that these geotechnical recommendations are adhered to.

Consultation

The proposal was referred to the NSW Environment and Heritage OEH pursuant to clause 17 of the Alpine SEPP. The OEH have not provided formal comments to date. However, the OEH have provided informal comments to the applicant relating to the proposed environmental offsets which culminated in the revised and final environmental offsets strategy. The OEH have advised that this final strategy is acceptable.

Conclusion

After consideration of the proposal against the relevant statutory considerations, including section 79C of the EP&A Act and the provisions of the Alpine SEPP, it is concluded that the proposed widening of the Slopestyle Terrain Course is appropriate. The development is permissible with consent, there will not be a significant impact on any threatened species, populations, ecological communities or their habitats as a result of the proposal, and the vegetation and habitat disturbance will be appropriately offset to ensure an improved environmental and biodiversity outcome. The offset plantings proposed will also ensure that there is no detrimental visual impact in the longer term, and the development is appropriate from a geotechnical perspective. It is therefore recommended that development consent be granted to DA 5804 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 Slopestyle Terrain Course is located on Front Valley in the Perisher Range alpine resort.

2.2 Site description

The Slopestyle Terrain Course is located to the north of the Sturt T-bar on Front Valley.



Figure 1: Front Valley, Perisher Range alpine resort.

The Slopestyle Terrain Course and the Sturt T-bar are separated by a corridor of vegetation comprising of native trees and heath. Outside of this corridor the site comprises of predominantly exotic grasses.



Photograph 1: View downslope taken from skiers right below the Village Eight Express chairlift.

2.3 Background to the proposal

The applicant advises that the purpose of widening the Slopestyle Terrain Course is to provide additional terrain features, to increase the ski run width on the skier's right of the Village Eight Express chairlift, and to reduce obstacles and potential safety hazards for skiers/snowboarders and grooming machinery.

3 THE PROPOSED DEVELOPMENT

3.1 Overview

The proposed widening of the Slopestyle Terrain Course will involve:

- the permanent removal of 41 Snow Gum trees, 24 square metres of tall alpine heath, and the total removal of two large granite outcrops and the partial removal of another;
- the relocation of three fan snow gun and light pole pairs south to the newly created course perimeter;
- lateral trenches to connect the relocated snow guns to the snowmaking mains;
- removal of the existing ski slope hut and installation of a new hut at the top of the course; and
- rehabilitation and environmental offsets.

The estimated cost of the works is \$30,000.

3.2 Vegetation and rock removal

Trees will be removed by hand using a chainsaw and the cut timber will be removed off-site using a HD carrier or 6WD vehicle and disposed of at the Jindabyne landfill site. The rocks will be blasted using the traditional drill and blast method and blasting mats, and rock fragments will be placed downslope in any depressions.

3.3 Relocation of snow guns and light poles

Each pair of snow gun and light pole will be relocated approximately 14-20 metres south to the edge of the widened course and new laterals installed to connect the relocated fan guns with the snowmaking mains. The lateral trench will be one metre wide and 0.9 metres deep and will include a 50mm diameter water pipe, a 50 mm diameter air pipe, and conduits for electricity and communication cables. Excavation of the lateral trenches will involve a

disturbance corridor of 4.5 metres and the applicant's ecologist has estimated this will involve the disturbance of 36 square metres of tall alpine heath.

3.4 Replacement of the ski slope hut

The existing ski slope hut will be removed and a hut from Blue Cow (3.26 metres x 2.66 metres) will be relocated to the top of the course. Electricity and communications will be provided to this hut which will involve the excavation of a trench 0.3 metres wide and 0.6 metres deep from the Village Eight Express chairlift top station. This area to be trenched is a highly disturbed area dominated by exotic grasses.

3.5 Rehabilitation and environmental offsets

The applicant proposes to rehabilitate any disturbed areas with a 50:50 mix of Poa seed and Chewings fescue, and employ the sod replacement technique for any heath proposed to be removed where its re-use in rehabilitation is practical.

The applicant's ecologist has estimated that the proposal will involve the:

- permanent removal of 41 Snow Gum trees and 24 square metres of tall alpine heath;
- permanent removal of two large granite outcrops and the partial removal of another; and
- disturbance of approximately 36 square metres of tall alpine heath which will regenerate post construction.

To offset these losses and disturbances, the applicant proposes to improve habitat linkages between existing vegetation islands south of the Slopestyle Terrain Course by:

- planting a total of 82 Snow Gum trees and 800 square metres of native heath over five different areas; and
- installing three fauna crossings along the length of the Sturt T-bar.

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

'Ski slopes', 'ski slope huts', 'snow-making infrastructure' and 'recreation infrastructure' 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 Ski Slope Master Plan (SSMP) 2002.

The 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 and the OEH are required to provide any comments within 28 days. The 28 day period ended on 22 February 2013 and the OEH have not provided formal comments to date.

However, the OEH have provided informal comments to the applicant relating to the proposed environmental offsets which culminated in the revised and final environmental offsets strategy as described in section 3.5 of the report. The OEH have advised that this final strategy is acceptable.

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 Flora and fauna

The proposal will involve the permanent removal of 41 Snow Gums, 24 square metres of native heath vegetation and a number of rock outcrops along a corridor between the Slopestyle Terrain Course and the Sturt T-bar. The applicant proposes to offset these losses by planting 82 Snow gum trees and 800 square metres of native heath, and install three fauna crossings between the Slopestyle Terrain Course and the Quad Express chairlift. This will significantly improve habitat connectivity between existing and fragmented vegetation islands in this area and is considered an appropriate outcome for the scale of works proposed. These offsets have been determined in consultation with the OEH who are supportive of the final environmental offsets strategy.

In addition to the above permanent losses, the applicant's ecologist has estimated a total area of approximately 36 square metres will be disturbed by the works. The applicant proposes to rehabilitate these areas with a 50:50 mix of Poa seed and Chewings fescue, and the applicant's ecologist has recommended that the sod replacement technique be employed for any heath proposed to be removed where its re-use in rehabilitation is practical. The re-use of sods of native heath is strongly encouraged as it maintains the existing seed bank and has been reinforced in the recommended conditions at Appendix B.

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

There are two threatened species and one endangered ecological community (EEC) that were found to occur within the study area:

- Anemone Buttercup (*Ranunculus anemoneus*) listed as vulnerable under the *Threatened Species Conservation Act 1995* (TSC Act);
- Broad-toothed Rat (*Mastacomys fuscus*) listed as vulnerable under the TSC Act; and
- alpine bog listed as an EEC under the TSC Act (*Montane Peatlands and Swamps EEC*) and the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) (*Alpine Sphagnum Bogs and Associated Fens EEC*).

There are three threatened species that have the potential to occur within the study area:

- Eastern False Pipistrelle (*Falsistrellus tasmaniensis*) listed as vulnerable under the TSC Act;
- Gang-gang Cockatoo (*Callocephalon fimbriatum*) listed as vulnerable under the TSC Act; and
- Flame Robin (*Petroica phoenicea*) listed as vulnerable under the TSC Act.

The assessment of significance for these species and EEC, in accordance with section 5A of the EP&A Act and the gazetted assessment guidelines, concludes that the proposed works will not have a significant impact on any of these species or the EEC.

In summary, the Anemone Buttercup plants identified and the area of alpine bog are located outside of the disturbance areas and can be adequately protected during the construction works. Whilst the Broad-toothed Rat was found to be present in the study area, the applicant's ecologist concluded that the area of habitat to be disturbed is negligible in the context of the extensive habitat available within and adjoining the study area, and the offsets proposed for the development will actually improve habitat connectivity for this species. The Eastern False Pipstrelle and the Gang-gang Cockatoo were not detected during the study period and the removal of trees that could be potentially utilised by either of these species for foraging was not considered significant by the applicant's ecologist, particularly in the context of other foraging resources available in the locality. The development will directly affect a very small amount of habitat for the Flame Robin but this was not considered significant given the availability of suitable habitat in the general locality and that the species is unlikely to be dependent on the site given the substantial seasonal migrations it undertakes. Finally, the applicant's ecologist concluded that the small patches of alpine bog occurring on the margins of and adjoining the study area are in good condition, will not be directly impacted by the proposal and are unlikely to be indirectly impacted as they have persisted despite previous clearing in the area.

6.3 Visual

Front Valley is one of the most intensely developed parts of the Perisher Range alpine resort. The loss of the vegetation corridor will have a small impact in that it will further reduce the native vegetation and rock outcrops that remain in this area. However, to offset this, the applicant is proposing significant plantings to the south which, when established, should visually provide adequate compensation for the loss of this vegetated corridor. The trees to be removed will be offset a ratio of 2:1, and the 24 square metres of heath to be removed will be offset by planting approximately 800 square metres of heath in the area. This is envisaged to improve visual amenity in the Front Valley area once the plants are established.

6.4 Geotechnical

The applicant has provided a geotechnical assessment to support the development. This assessment concludes that the proposed works will constitute minimal or no geotechnical impact and makes a number of recommendations to be taken into account during the design and construction phase of the development. The recommended conditions in Appendix B require that these geotechnical recommendations are adhered to.

7 CONCLUSION

After consideration of the proposal against the relevant statutory considerations, including section 79C of the EP&A Act and the provisions of the Alpine SEPP, it is concluded that the proposed widening of the Slopestyle Terrain Course is appropriate. The development is permissible with consent, there will not be a significant impact on any threatened species, populations, ecological communities or their habitats as a result of the proposal, and the vegetation and habitat disturbance will be appropriately offset to ensure an improved environmental and biodiversity outcome. The offset plantings proposed will also ensure that there is no detrimental visual impact in the longer term, and the development is appropriate from a geotechnical perspective. It is therefore recommended that development consent be granted to DA 5804 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 delegation 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 5804 for the widening of the Slopestyle Terrain Course at Front Valley, Perisher Range alpine resort, subject to conditions of consent (refer to Schedule 2 at Appendix B); and
- (ii) sign and date the Notice of Determination and Schedule 1 for DA 5804.

Prepared by:



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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

A1 ECOLOGICALLY SUSTAINABLE DEVELOPMENT

The Department has considered the proposed development against the five principles of ESD set out in section 3 of the EPBC Act:

Integration Principle – The proposal will improve skier experience and safety, as well as grooming operations without having a detrimental impact. Appropriate environmental offsets are proposed to offset the loss of native vegetation.

Precautionary Principle – The proposal does not pose a threat of serious or irreversible environmental damage. Any disturbed areas can be appropriately rehabilitated and the vegetation and habitat to be removed is to be appropriately offset.

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 loss of native vegetation is minimal and will be appropriately offset which will positively contribute to biodiversity in the immediate locality.

Valuation Principle – The applicant has recognised the habitat value of the native vegetation and proposes appropriate rehabilitation and environmental offsets.

A2 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

A2.1 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 overall adverse environmental impact, the proposal is consistent with the principles of ESD and will contribute to the orderly development of the resort.

A2.2 Section 5A - Significant effect on threatened species, populations or ecological communities, or their habitats

See section 6.2 of the report.

A2.3 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 A3 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 Ski Slope Master Plan under the Alpine SEPP in section A3.
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

Cl 92 of the EP&A Regulation 2000 – The recommended conditions at Appendix B include a requirement that demolition complies with *AS 2601 The demolition of structures*. 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 – See section 6.3 of the report.

Access, transport and traffic - The proposal will not impact upon traffic management within the resort. Construction access is available from the existing road and track network (the existing access tracks to the base of the Front Valley and the existing access track up Front Valley to Pump Station 4).

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

Utilities and Energy – The proposal will not place any further demand on the supply of utilities or energy.

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 to prevent erosion and control sediment during construction. This is further reinforced by way of conditions (see Appendix B).

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 is only one premise within the vicinity that has the potential to be affected. This premise was notified of the proposal and no submission was received. Nonetheless, a condition has been recommended (see Appendix B) requiring appropriate mitigation measures be adopted to ensure that there is not an adverse impact on this premise.

Flora and fauna – See section 6.1 of the report.

Waste – Any waste generated will be during construction only. Timber will be disposed of at the Jindabyne landfill site and rock fragments will be reused on site to fill in any downslope depressions. A condition has been included in Appendix B providing for the appropriate containment of any construction waste on site.

Natural Hazards – See section 6.3 of the report for a discussion relating to the Department's Geotechnical Policy. There are no other known natural hazards that would prevent or impact on the development.

Social Impact – The proposal will improve safety for skiers/snowboarders and grooming machinery by removing hazards and obstacles. No adverse social impact is envisaged as a result of the proposal.

Economic Impact – The proposal will generate the equivalent of 0.36 of a job during construction only. No adverse economic impact is envisaged as a result of the proposal.

Site Design and Internal Design – The offset plantings have been strategically located to link existing fragmented habitat areas. The relocated snow guns, light towers and ski slope hut have been set according to topography, the required setback from the chairlift, predominant wind direction and skier safety.

Construction – The applicant has provided a Site Environmental Management Plan for the proposal which should be supplemented by the recommended conditions contained Appendix B. A condition has been included requiring a copy of this SEMP to be on site at all times for all works.

Construction machinery includes a 22 tonne excavator, HD carriers, chainsaws, and 6WD and 4WD vehicles.

Cumulative Impacts – No cumulative environmental impact is envisaged as a result of the proposal as the offset plantings are significantly greater than that proposed to be removed.

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

The site is considered suitable for the proposal as it will improve the winter visitor experience and remove obstacles and potential safety hazards for skiers and groomers without an overall adverse environmental impact or a significant impact on any threatened species or EEC. The offset plantings have been strategically located to link fragmented habitat and are considered appropriate.

S 79C(1)(d) any submissions made in accordance with the Act or the regulations

The neighbouring premise (Perisher Manor) was notified of the proposal and given the opportunity to make a submission from 26 January 2013 to 8 February 2013. No submissions were received.

S 79C(1)(e) the public interest

The proposal is considered in the public interest as it will improve the ski area for skiers without an adverse environmental, social or economic impact.

A4 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;
- consistent with the objectives of the Alpine SEPP in that it will improve ski areas for skiers without adversely impacting on the natural or cultural environment; and
- considered appropriate from a geotechnical perspective.

CI 11- Land use table

The land use table for the Perisher Range alpine resort provides that 'ski slopes', 'ski slope huts', 'snow-making infrastructure' and 'recreation infrastructure' are permissible with consent.

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 particular measures are proposed, that would adversely impact on the natural environment, to mitigate any environmental hazards. It is considered that the recommendations from the geotechnical engineer can be incorporated into the development without any further environmental impact than anticipated and for which offsets are proposed.
(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 supplied is considered adequate to enable assessment of the proposal.
(e) the character of the alpine resort, The proposal will not significantly alter the character of the resort.
(f) the Geotechnical Policy – Kosciuszko Alpine Resorts, See section 6.4 of the report.
(g) any sedimentation and erosion control measures, The applicant has submitted a SEMP providing detail on the erosion prevention and sediment control measures to be implemented during construction. In conjunction with the recommended conditions in Appendix B, these are considered adequate.
(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 and will not be visible from the Main Range. See section 6.3 of the report.
(j) any significant increase in activities, outside of the ski season, The proposal will not result in an increase in activities during or outside of 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 (SSMP)... <u>SSMP Chapter 6 – Precinct 1: Perisher Valley:</u> The SSMP is the strategic document for the Perisher ski slopes although it is now some ten years old. Whilst this plan did not contemplate the Slopestyle Terrain Park in its current location, this type of feature is consistent with the sort of facilities envisaged in the plan.
(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 (now the OEH) See section 5.1 of the report.
CI 26 – Heritage conservation

European Heritage	The proposal will not impact on any European heritage items.
Aboriginal Heritage	<p>The applicant's consultant has undertaken an assessment of Aboriginal cultural heritage values and concluded:</p> <ul style="list-style-type: none"> - that the proposed development is not located within a zone of high or low to moderate archaeological sensitivity nor is it an area containing potential for deep subsurface archaeological deposits; and - further archaeological assessment is not warranted. <p>The OEH have not raised any concern in regard to Aboriginal cultural heritage. Nonetheless, the recommended conditions at Appendix B include a condition requiring works to cease and the OEH be contacted for further direction should any Aboriginal relics or artefacts be uncovered during construction.</p>

Appendix B – Recommended conditions of consent