

**DEVELOPMENT ASSESSMENT REPORT
DA 6493**



**Tree removal, Powder Valley Traverse,
Guthega, Perisher Range alpine resort**

Proposed by Perisher Blue Pty Ltd

Part 4 of the
Environmental Planning and Assessment Act 1979

May 2014

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1 EXECUTIVE SUMMARY

This report is an assessment of development application DA 6493 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 remove trees as part of the re-establishment and widening of the Powder Valley traverse located between the bottom of the Mother-In-Law ski run and the new Freedom Quad chairlift, which has replaced the Cow Pastures J-bar.

Consent authority

Under the provisions of the Alpine SEPP, the Minister for Planning 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' are permissible with consent.

Key considerations

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

Flora and fauna

The proposal will involve the removal of thirty-six (36) trees and the pruning of eight (8) trees. The applicant proposes to offset these impacts at a ratio of 2:1, planting Eucalypt trees in a combined offsets area. This ratio is considered an appropriate outcome given the scale of works proposed.

Threatened species, populations, ecological communities, and their habitats

Evidence of the Broad-toothed Rat, listed as vulnerable under the *Threatened Species Conservation Act 1995* (TSC Act), was found in and adjacent to the study area. None of the trees to be pruned in association with the proposal are hollow-bearing. An assessment of significance was undertaken for those species and threatened communities known within the study area and immediate surrounds or with a potential to occur. This assessment concluded that the proposed works were unlikely to significantly impact those threatened species assessed.

Consultation

The proposal was referred to the NSW Office of Environment and Heritage (OEH) pursuant to clause 17 of the Alpine SEPP. The OEH advised that there are no specific comments relating to leasing, environmental health or municipal services, and made recommendations relating to the environmental offset plantings and Aboriginal heritage which have been incorporated into the recommended conditions at Appendix B.

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 removal and pruning of trees along the Powder Valley traverse 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, the tree removal will be appropriately offset to ensure an improved environmental outcome, and the OEH are also satisfied with the proposal. It is therefore recommended that development consent be granted to DA 6493 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 Powder Valley traverse ski run is located in the Guthega ski area approximately 45 kilometres from Jindabyne on the southern slopes of the Guthega ski area towards the bottom of the valley between Mother- In-Law ski run to the east and the Freedom Guthega chairlift to the west.

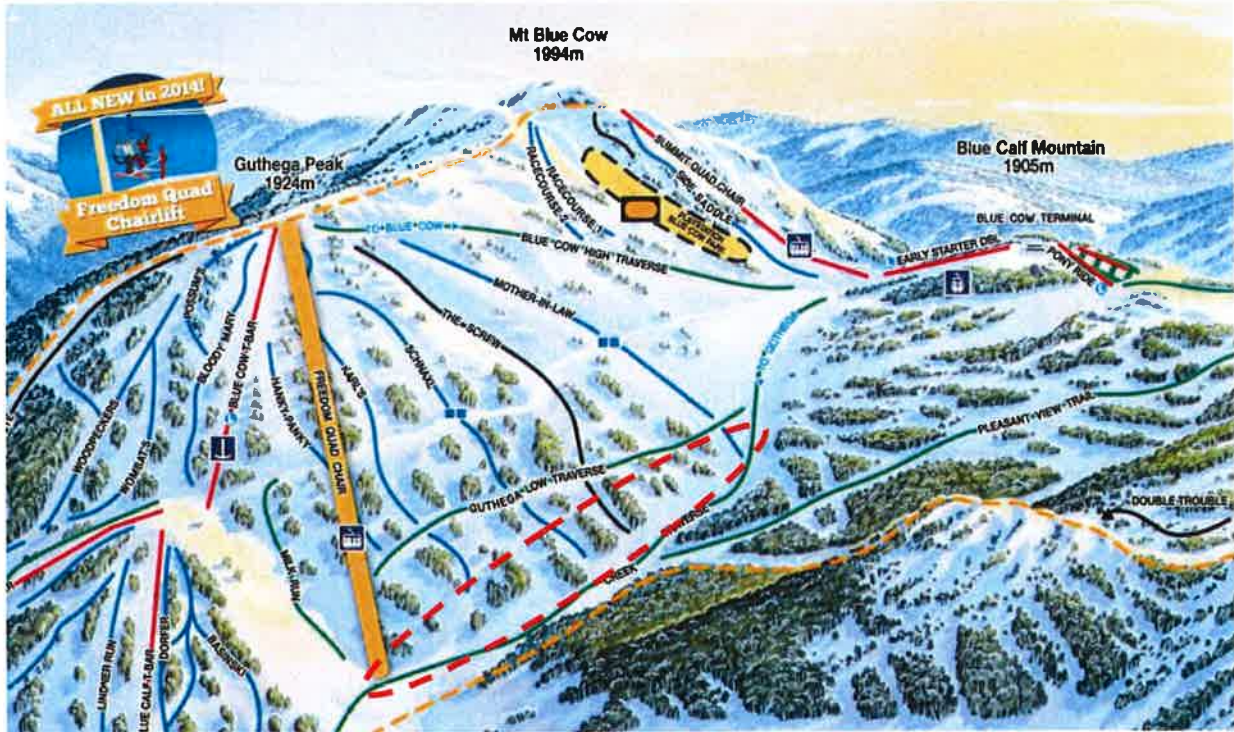


Figure 1: Subject site in context.

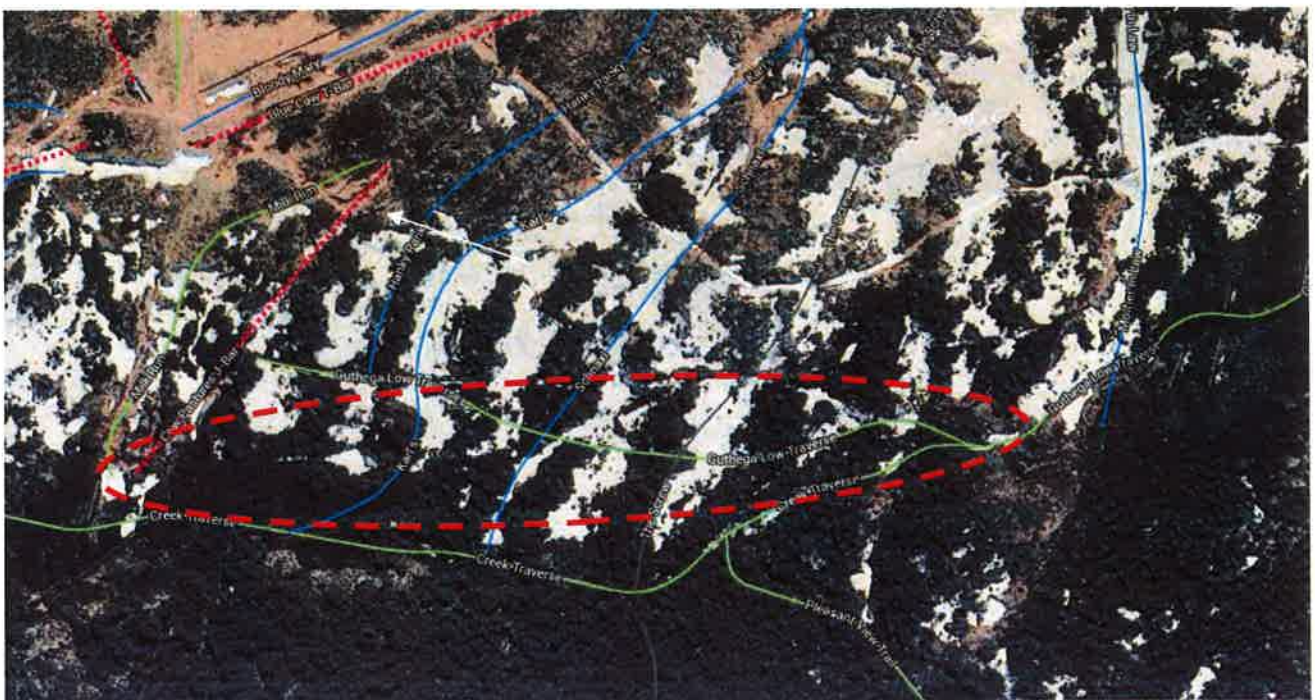


Figure 2: Subject site in context.

2.2 Site description

The Powder Valley traverse comprises of four vegetation communities with Tall Alpine Heath with and without Eucalypts being predominant vegetation community with considerable ecotones between the vegetation communities within the study area given the complexity of key variables such as drainage, slope and rockiness.

The site is mostly undisturbed, except where the existing ski runs and have been cut and other resort infrastructure, including timing huts have been installed.

2.3 Background to the proposal

The applicant has indicated that the proposal will re-establish the Powder Valley traverse as a primary ski run that connects skiers and boarders from Blue Cow, the Pleasant View Trail Ski Run and Double Trouble Ski Run to Guthega. It will also improve skier circulation from these parts of the resort through to Guthega and allow Perisher Blue Pty Ltd to close the Low Traverse ski run and not rely on the Creek Traverse ski run to provide connectivity to the new Freedom Quad chairlift. The proposal will also improve grooming operations and safety through the widening of the run.

3 THE PROPOSED DEVELOPMENT

3.1 Overview

The applicant proposes works along the Powder Valley traverse which will involve selected tree removal and pruning of forty-four (44) trees, thirty-six (36) trees being removed and pruning of a further eight (8) trees. The proposal will also include the planting of eighty-eight (88) trees in a predetermined combined offset area to replace the trees removed and pruned.

The estimated cost of the works is \$2,500.

3.2 Tree removal and pruning

The applicant proposes to remove thirty-six (36) trees and the pruning of a further eight (8) trees, with a total of forty-four (44) trees requiring work done.

Trees will be cut to ground level using a chainsaw, the stumps left in-situ, and felled timber will be disposed of at the National Parks and Wildlife Service (NPWS) stockpile site at Sawpit Creek whilst smaller branches will be stacked and placed under the heath off the ski runs.

3.3 Environmental offset plantings

The applicant proposes to offset the removal and pruning of the forty-four (44) trees by planting eighty-eight (88) Eucalypt trees in a combined offset area located on the western side of the snow adjacent to the Bloody Mary Ski Run.

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' 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 considerations are provided in section 6 of this report.

5 CONSULTATION

5.1 NSW Office of Environment and Heritage (OEH)

The proposal was referred to the OEH pursuant to clause 17 of the Alpine SEPP. The OEH advised that there are no specific comments relating to leasing, environmental health or municipal services. In relation to flora and fauna and Aboriginal heritage, the OEH recommended conditions be imposed to the effect:

- *the maintenance and monitoring of the Environmental Offset Site is to be conducted over a minimum period of five years according to the "Rehabilitation Guidelines for the Resorts Areas of Kosciuszko National Park" (DECC 2007), Chapter 5.2: Maintenance of Rehabilitation; and*
- *should any Aboriginal objects be uncovered during construction, works impacting the objects must cease immediately and NPWS be contacted for assessment of the site.*

These recommendations have been incorporated into the conditions at Appendix B.

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 removal of thirty-six (36) trees and pruning of eight (8) trees, for a total of forty-four (44) trees impacted by this proposal. The applicant proposes to offset these losses by planting a total of eighty-eight (88) trees in a combined offset area nearby that is protected by snow fences. Replacing the trees to be effected at a ratio of 2:1 is considered an appropriate outcome given the scale of works proposed, and it will ensure that there will not be an adverse impact on the environment in the longer term.

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

Evidence of Broad-toothed Rat (*Mastacomys fuscus*) activity was found in and adjacent to the study area. The Broad-toothed Rat is listed as vulnerable under the TSC Act. The applicant has provided an assessment of significance for those species and threatened communities known within the study area and immediate surrounds or with potential to occur there, in accordance with section 5A of the EP&A Act and the gazetted assessment guidelines, which concludes that the proposed works will not have a significant impact on those species. The reasons for this conclusion are that very minimal habitat will be removed while no habitat will be fragmented or isolated as a result of the works, and minimal habitat will experience modified oversnow activities.

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 removal and pruning of trees along the Powder Valley traverse 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, the tree removal will be appropriately offset to ensure an improved environmental outcome, and the OEH are also satisfied with the proposal. It is therefore recommended that development consent be granted to DA 6493 subject to the conditions contained in Appendix B.

8 DELEGATIONS

On the 14 September 2011 and effective as of 1 October 2011, the Minister delegated functions under Section 80 of the EP&A Act to the Team Leader, Alpine Resorts Team applications in relation to land to which *State Environmental Planning Policy (Kosciuszko National Park – Alpine Resorts) 2007* applies, and where there are less than 10 public submissions in the nature of objections to the subject application.

The application relates to land to which *State Environmental Planning Policy (Kosciuszko National Park – Alpine Resorts) 2007* applies and no public submissions have been received. It is therefore considered that Daniel James, Team Leader, Alpine Resorts Team has delegation to determine the application.

9 RECOMMENDATION

It is recommended that Daniel James, Team Leader, Alpine Resorts Team as delegate for the Minister for Planning, 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 6493 for tree removal, tree pruning and environmental offset plantings along the Powder Valley Travers ski run, Guthega, 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 6493.

Prepared by:



Douglas Cunningham 14/5/14
Student Planner
Industry, Key Sites and Social Projects

Approved by:



Daniel James
Team Leader
Alpine Resorts Team

Determined as Delegate of the Minister for Planning

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 economic, environmental, social and equitable aspects of the development have been considered. The proposal will improve the Powder Valley ski area without having a detrimental impact on the environment as appropriate environmental offsets are proposed.

Precautionary Principle – The proposal does not pose a threat of serious or irreversible environmental damage. The trees to be removed will be lopped to ground level only and could be allowed to regenerate in the future if required.

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 is not envisaged to result in a loss of biodiversity as the trees to be removed will be replaced with the same species, at a greater ratio, and within close proximity to the site.

Valuation Principle – The applicant has recognised the habitat value of the native vegetation and proposes additional plantings to offset the trees to be removed.

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 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

See section 6.2 of the report.

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 (Kosciuszko National Park – 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 Ski Resort SSMP Plan under the Alpine SEPP in section A.3.

S 79C(1)(a)(iii) 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 – It is not proposed to demolish any structures and the subject 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 proposed tree pruning and removal are relatively small scale and will be offset with tree plantings (at a 2:1 ratio) within a 132m² area. In this regard, it is not envisaged that in the longer term there will be an adverse impact on the visual amenity of the area.</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 roads and access tracks that service the Guthega area.</p> <p><u>Public Domain</u> – The proposal will not adversely impact upon any public spaces.</p> <p><u>Utilities and Energy</u> – The proposal will not place any further demand on the supply of utilities or energy.</p> <p><u>Heritage</u> – See comments in section A.3, clause 26.</p> <p><u>Other Land Resources</u> – The proposal is not envisaged to impact on any valuable land resources.</p> <p><u>Water</u> – The proposed tree removal works will be partly located within the riparian corridor of Blue Cow Creek. However, no excavation works are proposed within 40 metres of a watercourse and the development does not involve the use of water.</p> <p><u>Soils</u> – See section A.3, clause 14(1)(g).</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 tourist accommodation buildings within close proximity that have the potential to be affected. Nonetheless, a condition has been recommended (see Appendix B) requiring appropriate mitigation measures be adopted to ensure that there is not an adverse impact.</p> <p><u>Flora and fauna</u> – See section 6.1 of the report.</p> <p><u>Waste</u> – Any waste generated will be during construction only and will include timber and small branches. Large pieces of timber generated from the work will be taken to the NPWS stockpile site at Sawpit Creek with all small cut timber being stacked and placed under the heath off the ski runs.</p> <p><u>Natural Hazards</u> – It is not envisaged that any natural hazards would prevent or impact on the development.</p> <p><u>Social Impact</u> – The proposal will improve the Powder Valley ski area for skiers and from an operational perspective. No adverse social impact is envisaged as a result of the proposal.</p> <p><u>Economic Impact</u> – 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.</p>

<p><u>Site Design and Internal Design</u> – Powder Valley traverse is used during the winter season to improve skier circulation through the resort to Guthega and provide connectivity to the new Freedom Quad chairlift with a wider traverse being able to accommodate greater skier traffic and allow the closure of the Low Traverse ski run which will improve safety. It will also re-establish the connection between Blue Cow, the Pleasant Valley trail ski run and Double Trouble ski run to Guthega.</p> <p><u>Construction</u> – The applicant has provided a Site Environmental Management Plan for the proposal which is considered adequate and appropriate having regard to the type and scale of works, and 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.</p> <p><u>Cumulative Impacts</u> – No cumulative impact is envisaged as a result of the proposal as the offset plantings are greater than that proposed to be removed.</p>
<p>S 79C(1)(c) the suitability of the site for the development</p> <p>The applicant has advised that the subject site was previously used as a skier traverse and forms part of the Guthega ski area and is therefore considered suitable.</p>
<p>S 79C(1)(d) any submissions made in accordance with the Act or the regulations</p> <p>The application was not required to be placed on public exhibition.</p>
<p>S 79C(1)(e) the public interest</p> <p>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.</p>

A.3 ENVIRONMENTAL PLANNING INSTRUMENTS

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

<p>Cl 2 – Aim and objectives:</p> <p>The proposal is:</p> <ul style="list-style-type: none"> - 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 improve a without adverse impacts on the natural or cultural environment.
<p>Cl 11 – Land use table</p> <p>The land use table for the Perisher Range alpine resort provides that 'ski slopes' are permissible with consent. The proposed development is to remove and prune trees from a ski slope.</p>
<p>Cl 14(1) – Matters to be considered by consent authority</p> <p>(a) the aim and objectives of this policy, as set out in clause 2,</p> <p>See discussion above under clause 2.</p>
<p>(b) the conservation of the natural environment and any measures to mitigate environmental hazards (including geotechnical hazards, bush fires and flooding,</p> <p>No particular measures are proposed, that would adversely impact on the natural environment, to mitigate any environmental hazards.</p>
<p>(c) the cumulative impacts of development on existing transport, effluent management systems, waste disposal facilities or transfer facilities and existing water supply:</p>

The proposal is not envisaged to influence the number of people visiting the resort.
(d) any statement of environmental effects, The SEE is considered adequate to enable assessment of the proposal.
(e) the character of the alpine resort, The proposal is minor and will not significantly alter the character of the resort.
(f) the Geotechnical Policy – Kosciuszko Alpine Resorts, The subject site falls within the G zone as identified in the Department’s Geotechnical Policy – Kosciuszko Alpine Resorts. The proposed works are exempt from requiring a geotechnical report pursuant to section 3.1 of the Policy.
(g) any sedimentation and erosion control measures, No excavations are proposed.
(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. The tree removal works are located low down in the valley and are associated with an existing skier traverse. The proposed removal and pruning of forty-four (44) trees in the context of the landscape setting will not generate any detrimental visual impacts.
(j) any significant increase in activities, outside of the ski season, The proposed development will not increase activities 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 (PRRMP)... (ii) the document entitled Perisher Blue Ski Slope Master Plan (SSMP)... The Perisher Ski Slope Master Plan (PSSMP) indicated a new access track to a new Quad Chairlift located in a slightly different alignment to the new Freedom Quad Chairlift currently under construction that would also access future proposed lifts within the Link Unit. With the revised location of the bottom of the Freedom Quad Chairlift being further up the slope, this access route is no longer necessary and therefore the traverse needs to be higher up the slope to provide sufficient fall-line to the new lift. The proposal is therefore considered consistent with the objectives of the PSSMP.
(m) if the development is proposed to be carried out on land in a riparian corridor: The proposed tree removal works will be partly located within the riparian corridor of Blue Cow Creek.
Cl 17 – Development applications referred to the Department of Environment, Climate Change and Water (now the OEH) The proposal was referred to the NSW Office of Environment and Heritage (OEH) pursuant to clause 17 of the Alpine SEPP. 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 OEH provided the following comments relating to Aboriginal heritage:</p> <p><i>The assessment of potential impacts on aboriginal cultural heritage values provided with the application is satisfactory. The site of the proposed works is not identified as being within a zone of Aboriginal cultural heritage potential.</i></p> <p>The OEH have recommended that a condition be imposed to the effect:</p> <p><i>Should any Aboriginal objects be uncovered during construction, works impacting the objects must cease immediately and NPWS contacted for assessment of the site.</i></p> <p>The above recommendation has been incorporated into the conditions at Appendix B.</p>

Appendix B – Recommended conditions of consent