



Planning &
Environment

***DEVELOPMENT APPLICATION
ASSESSMENT REPORT:***

**Replacement of concrete path from Skitube
Terminal to bridge over Perisher Creek and
associated stormwater works**

**Perisher Valley, Perisher Range Alpine Resort,
Kosciuszko National Park**

DA 7516



Environmental Assessment Report under
Section 79C of the *Environmental Planning and
Assessment Act 1979*

April 2016

ABBREVIATIONS

Alpine SEPP	State Environmental Planning Policy (Kosciuszko National Park – Alpine Resorts) 2007
Applicant	Perisher Blue Pty Ltd
Consent	This development consent
Department	Department of Planning and Environment
EP&A Act	Environmental Planning and Assessment Act 1979
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
EPI	Environmental Planning Instrument
Minister	Minister for Planning
Secretary	Secretary of the Department of Planning and Environment
SEE	Statement of Environmental Effects
SEPP	State Environmental Planning Policy

Cover Image: View of existing path looking towards the Skitube building (Source: Applicant's SEE)

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1. BACKGROUND

1.1 Introduction

This report provides an assessment of a Development Application (DA 7516) lodged by Perisher Blue Pty Ltd on 18 February 2016 under Part 4 of the *Environmental Planning and Assessment Act, 1979* (EP&A Act). The application seeks consent to replace an existing concrete path and associated infrastructure that currently links the Skitube Terminal with the bridge over Perisher Creek, Perisher Valley, Perisher Range Alpine Resort within Kosciuszko National Park.

The proposal is described in detail in **Section 2** of this report.

1.2 The Site and Surrounding Development

The subject site is located on the western side of the Skitube Terminal building between the Terminal and the adjoining pedestrian bridge (**Figure 1**). An existing concrete path is currently provided between that is adjoined to the north and south by a gravel surface (during winter this area is the oversnow route).

The existing path and pedestrian bridge are within close proximity to Perisher Creek, with stormwater from the existing path directed to an outlet and sediment catchment point adjoining the path. Access to the site will be available off the Perisher car park and also the adjoining gravel access road.

The area surrounding the path is largely disturbed, with some patches of native vegetation adjoining the alignment of Perisher Creek.



Figure 1: Location of works in context of Skitube Terminal, Perisher Car Park and Front Valley ski area (Source: SIX Maps 2016).

2. PROPOSED DEVELOPMENT

The development application seeks approval to replace the existing concrete path, and associated infrastructure, linking the Skitube Terminal to the bridge over Perisher Creek. The new path is to be heated which would assist with managing snow, ice and water on the path.

The Applicant indicates that the proposal involves:

- replacement of the path with a new heated concrete path through a hydronic heated convex 180mm thick concrete slab (electric elements laid into the concrete to heat the slab). The path would be constructed using 40Mpa concrete and be approximately 5 metres wide with a maximum 3% side crossfall;
- installation of two new 1000mm x 1000mm grated surface entry stormwater pits, replacing the single stormwater pit, with hydronic heating to the concrete base of the pit. The existing 300mm stormwater pipe is to be replaced with a 450mm diameter concrete pipe, with the existing rock outlet replaced and upgraded; and
- the existing paved area between the Skitube Terminal and path being retained.

The Applicant states that during winter, the path is frequently under snow. However due to oversnow traffic and pedestrian traffic, snow on the path gets churned up and is frequently slushy. In very cold temperatures it becomes frozen and can be a pedestrian safety issue. In warmer temperatures it melts and the water forms deep puddles. The area becomes wet and muddy and is very unsightly and unpleasant to walk through.

3. STATUTORY CONTEXT

3.1. Consent Authority

The Minister for Planning is the consent authority for the application under clause 7 of *State Environmental Planning Policy (Kosciuszko National Park – Alpine Resorts) 2007* (the Alpine SEPP) as the development takes place within a ski resort area as referred to in Clause 32C (2)(a) of Schedule 6 to the EP&A Act.

3.2. Determination under Delegation

In accordance with the Minister's delegation of 16 February 2015, the Team Leader, Alpine Resorts Team may determine the application as:

- the application is in relation to land which the Alpine SEPP applies; and
- there are less than 25 public submissions in the nature of objections.

3.3. Permissibility

The Applicant indicates that the proposal could either be defined as 'infrastructure facilities' or 'recreation infrastructure'. Both of these uses are permissible under the Alpine SEPP.

Given the extent of the works, the Department is of the view that the proposal would fall within the 'recreation infrastructure' definition due to the use of the walkway to gain access from the skitube to the skiing areas to the west. Pursuant to clause 11 of the Alpine SEPP, 'recreation infrastructure' is permissible with consent within the Perisher Range Alpine Resort.

3.4. Environmental Planning Instruments

The Alpine SEPP is the only Environmental Planning Instrument (EPI) which applies to the site for this type of development. Consistent with the aim of the Alpine SEPP, the Department is satisfied that the proposal has adequately considered measures to protect and enhance the

environment and also have regard to the principles of Ecologically Sustainable Development (ESD).

The proposal is also consistent with the objectives of the Alpine SEPP in that:

- the proposal supports the carrying out of ski related development to facilitate improved access from the Skitube Terminal to the ski slopes to the west; and
- the design and erosion and sediment control measures has regard to the State and regional significance of the locality.

An assessment against the requirements of the Alpine SEPP is provided in **Appendix B**. The Department is satisfied that the application is consistent with the requirements of the SEPP.

3.5. Objects of the EP&A Act

Decisions made under the EP&A Act must have regard to the objects of the EP&A Act, as set out in Section 5. The proposal complies with the objects as it promotes the orderly and economic use of the site as the Applicant seeks to improve the visitor experiences within Perisher, while having an appropriate regard to the environmental significance of the site.

The proposal also satisfactorily addresses the environmental significance of the site by including measures to minimise environmental impacts through improving drainage discharge points. The proposal includes measures to deliver an ecologically sustainable development (refer to **Section 3.6**)

3.6. Ecologically Sustainable Development (ESD)

The EP&A Act adopts the definition of ESD found in the *Protection of the Environment Administration Act 1991* (POEO Act). Section 6(2) of the POEO Act states that ESD requires the effective integration of economic and environmental considerations in decision-making processes. The Department has considered the proposal in relation to the ESD principles and concludes that the proposal does not pose any threat of serious or irreversible environmental damage, and it has been designed having regard to impacts on the flora and fauna. Additionally, a number of mitigation and management measures have been proposed to minimise impacts on the environment.

The Department also considers that the precautionary and inter-generational equity principles have been applied in the decision making process via an assessment of the environmental impacts of the proposal.

3.7. Environmental Planning and Assessment Regulation 2000

Subject to any other references to compliance with the EP&A Regulation cited in this report, the requirements for Notification (Part 6, Division 7) and Fees (Part 15, Division 1) have been complied with.

4. CONSULTATION AND SUBMISSIONS

4.1. Notification

Pursuant to clause 5 of the EP&A Regulation, this type of development is referred to as 'other advertised development' which requires the application to be publicly notified for a period of 30 days in accordance with Part 6, Division 7 of the EP&A Regulation.

After accepting the application, the Department:

- publicly exhibited the application from Friday 26 February 2016 until Monday 28 March 2016 on its website and at its Jindabyne Office (Shop 5A, 19 Snowy River Avenue, Jindabyne);
- advertised the exhibition in the Summit Sun on Thursday 25 February 2016; and
- notified relevant stakeholders and State government authorities in writing.

The proposal was referred to:

- the Office of Environment and Heritage (OEH) pursuant to clause 17 of the Alpine SEPP; and
- the NSW Department of Primary Industries – Office of Water pursuant to section 91 (integrated development) of the EP&A Act as a Controlled Activity Approval under the *Water Management Act 2000* is required in order for the development to be carried out (works are proposed within 40 metres of Perisher Creek).

The Department received two submissions, comprising two submissions from public authorities. No submissions were received from the general public. Copies of the submissions may be viewed at **Appendix A**.

A summary of the issues raised in the public authority submissions is provided below.

4.2. Public Authority Submission

Two submissions were received from public authorities. The issues raised by the public authorities are summarised in the **Table 1** below and have been addressed in detail in **Section 5** and/or by way of a recommended condition in the instrument of consent at **Appendix C**.

Table 1: Summary of public authority submissions

Office of Environment and Heritage (OEH)
<p>The OEH did not object to the proposal and provided comments as follows:</p> <p><i>Fauna and Flora</i></p> <ul style="list-style-type: none"> • The site occurs in an existing disturbed locality and there should be no direct impact to flora and fauna. <p><i>Sediment and erosion control</i></p> <ul style="list-style-type: none"> • The site is in proximity to Perisher Creek and all sediment should be contained and prevented from entering the creek as per the SEMP. • All straw bales to be used for mulching and / or sediment and erosion control must be weed free. <p><i>Leasing</i></p> <ul style="list-style-type: none"> • The proposed development is permissible under the Consolidated Mountain Licence held by Perisher Blue Pty Limited. Under the Environmental Planning and Assessment Regulation (2000), landowners consent is required for any development application within a licence area. • This consent, from the Minister for the Environment, has been granted. • Advisement of consent has been provided to the proponent by OEH Park Management Branch Director on behalf of the Minister. <p>Comments were also provided from Municipal Services which required further investigation from the Applicant in terms of impact upon the existing water and sewer infrastructure. Addition investigations have been carried out by the Applicant. The OEH have since raised no concerns with the proposal having regard to Municipal Services.</p> <p>The OEH comments have been considered in the assessment of the application. Where necessary, the recommendations have been incorporated into the conditions of consent.</p>

Department of Primary Industries - NSW Office of Water (NOW) and Fisheries

The proposed development is integrated development pursuant to section 91 of the EP&A Act as a Controlled Activity Approval under the *Water Management Act 2000* is required in order for the development to be carried out.

The NOW has issued General Terms of Approval for the development, subject to a number of conditions which have been incorporated into the recommended conditions.

5. ASSESSMENT

5.1. Section 79C Evaluation

Table 2 identifies the matters for consideration under section 79C of the EP&A Act that apply to the development. The table represents a summary for which additional information and consideration is provided for in further sections of this report and relevant appendices.

Table 2: Section 79C(1) Matters for Consideration

Section 79C(1) Matters for Consideration	Consideration
(a)(i) any environmental planning instrument	Satisfactorily complies - see Section 3.4 and Appendix B of this report.
(a)(ii) any proposed instrument	Not applicable.
(a)(iii) any development control plan	Not applicable.
(a)(iiia) any planning agreement	Not applicable.
(a)(iv) the regulations	Complies – see Section 3.7 of this report. The application satisfactorily meets the relevant requirements of the EP&A Regulation, including the procedures relating to applications (Part 6 of the Regulations), the requirements for notification (Part 6, Division 7) and fees (Part 15, Division 1).
(a)(v) any coastal zone management plan	Not applicable.
(b) the likely impacts of that development	Impacts of the development have been considered in Section 5 and additional detail is provided in Appendix B of this report.
(c) the suitability of the site for the development	The suitability of the site has been considered in Section 5.6 of this report.
(d) any submissions	Consideration has been given to submissions received during the exhibition of the application in Section 4 . Key issues raised in submissions have been considered further in Section 5 of this report.
(e) the public interest	The public interest of the development has been considered in Section 5.7 of this report.
Biodiversity values impact assessment not required if:	Not applicable.

(a) On biodiversity certified land (b) Biobanking Statement exists	
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5.2. Key and Other Issues

The key issues in the Department's assessment are:

- consistency with the Perisher Range Resorts Master Plan;
- managing environmental impacts during construction; and
- compliance with the Building Code of Australia.

Each of these key issues is discussed in the following sections of the report.

5.3 Perisher Range Resorts Master Plan (PRRMP)

The proposal is consistent with the PRRMP, the strategic document for the Master Plan development, as the proposal maintains access for pedestrian and oversnow vehicles until such time as the Master Plan is developed. Following completion of the Master Plan, the Department notes that a raised pedestrian bridge is to be provided at this location, which would enable oversnow vehicles to still cross the pathway.

The Department therefore concludes that the proposal is consistent with the PRRMP.

5.4 Environmental impacts of the development

Proposals within the Alpine resorts are required to consider their impact of construction activities upon the environment. In this regard, the proposal would not adversely impact upon the natural environment as the works occur outside of vegetated areas, with only the discharge from the stormwater drainage flowing into an existing outlet (which is to be upgraded) with a sediment fence adjacent to Perisher Creek.

The works are focused within an already disturbed area and involves the replacement of an existing pathway and associated infrastructure. Measures are proposed to be implemented to ensure sedimentation impacts upon the adjoining locality during the works are minimised.

There is adequate parking in the locality, outside of the winter season, for construction equipment and vehicles, with construction impacts such as noise and vibration being only short term and managed in accordance with recommended conditions.

The Department supports the works having regard to potential environmental impacts.

5.5 Compliance with the Building Code of Australia (BCA)

The proposal is required to comply with the BCA and relevant Australian Standards. Based on the plans and documents that were submitted, the Department is satisfied that BCA compliance can be achieved. Full details of compliance are to be demonstrated by the Applicant at the construction certificate stage.

Recommended conditions are proposed to ensure compliance.

5.6 Suitability of the site

The proposal improves pedestrian access across the pathway and onto the pedestrian bridge, through reducing occurrences of the build-up of puddles due to melted snow or slushy snow from oversnow vehicles. The proposal also improves the discharge of water off the pathway and into Perisher Creek.

The Department concludes that the site is suitable for the development and that the visitors / staff utilising the new path would benefit from the proposal.

5.7 Public Interest

The proposed development is considered to be consistent with the aim and objectives of the Alpine SEPP and the public interest would not be compromised by the proposal subject to conditions. There would also not be an adverse impact on the environment and the proposal is consistent with the principles of ESD.

6. CONCLUSION AND RECOMMENDATION

6.1. Conclusion

The Department has assessed the merits of the proposal taking into consideration the issues raised in all submissions and is satisfied that the impacts have been satisfactorily addressed within the proposal and the recommended conditions.

In relation to the proposal, the Department considers that:

- there will not be a significant impact on any threatened species, populations or ecological communities; and
- the proposal is appropriate as it would have beneficial outcomes for safety and amenity for pedestrians while also noting the use by oversnow vehicles.

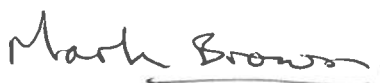
Overall, the Department is satisfied that the Development Application has been appropriately designed and recommends that the application be approved subject to the imposition of conditions.

6.2. Recommendation

It is recommended that the Team Leader, Alpine Resorts Team, as delegate of the Minister for Planning:

- a) **consider** all relevant matters prescribed in section 79C of the EP&A Act, including the findings and recommendations of this report; and
- b) **approve** the Development Application (DA 7516), under section 80(1)(a) of the EP&A Act, having considered matters in accordance with (a) above; and
- c) **sign** the Notice of Determination at **Appendix C**.

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Approved by:



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21/4/2016

APPENDIX A. RELEVANT SUPPORTING INFORMATION / SUBMISSIONS

The following supporting documents and information to this assessment report can be found on the Department's website at:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7516

APPENDIX B. CONSIDERATION OF RELEVANT LEGISLATION

ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

To satisfy the requirements of section 79C(a)(i) of the EP&A Act, this report includes references to the provisions of the environmental planning instruments that govern the carrying out of the project and have been taken into consideration in the environmental assessment of the project.

Section 79C(1) – Matters for consideration

In determining a DA, a consent authority must take into consideration the matters referred to in section 79C(1) of the EP&A Act as are relevant to the development. **Section 5.1** of this report details consideration of the matters in section 79C(1), however a detailed consideration of the likely impacts of the development is provided below:

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

Context and setting – The proposed works are relatively small scale and will improve the pedestrian access to the ski slopes from the Skitube Terminal, while also improving the drainage off the pathway. The proposal is appropriate in the context of the locality.

Access, transport and traffic – The proposal will not increase traffic to the site or impact upon access, transport or traffic management within the resort. It is proposed to utilise the existing access paths and adjoining parking areas during the works.

Public domain – The proposed works will not impact upon the public domain.

Utilities and energy – Energy and utility requirements will not be altered by the proposal.

Heritage – The proposal will not impact upon any European or Aboriginal archaeological heritage items. However, a condition is recommended to cease work if Aboriginal artefacts are uncovered during the works.

Other land resources – No impact on other land resources.

Water – There proposal involve works being carried out within 40 metres from Perisher Creek. General Terms of Approval have been received from the NSW Office of Water, which are included within the recommended conditions of consent.

With adequate erosion and sediment control measures being installed, no impacts are expected upon Perisher Creek.

Soils – The proposal involves site environmental management measures that will be implemented to prevent erosion and control sediment during works. Minimal impact is expected.

Noise and vibration – There will be an increase in noise and vibration during the initial breaking of the existing pathway, which will be short term and managed in accordance with conditions of consent. These are considered reasonable as the works are to be carried out prior to winter.

Air and microclimate – No impact on the air and microclimate is expected, except during construction activities which may cause minor dust impacts.

Flora and fauna – No direct impacts are expected on flora and fauna.

Waste – The waste from the existing concrete path and infrastructure to be removed, will be removed by an excavator and disposed at the Jindabyne tip.

Natural hazards – It is not envisaged that any natural hazards would prevent or impact on the development.

Technological hazards – The proposal is to be carried out in accordance with relevant Guidelines.

Safety, security and crime prevention – The proposal does not have an impact on security and crime prevention, while the safety in terms of pedestrian safety is improved with the inclusion of the hydronic heating that is to assist in ensuring an improved walking experience.

Social impact – The proposal will improve the pedestrian linkage between the Skitube Terminal and the ski slopes to the west, in addition to the oversnow vehicle access. No adverse social impact is envisaged as a result of the proposal.

Economic impact – The proposal is minor in scale and no adverse economic impact is envisaged as a result of the proposal.

Site design and internal design – The design of the proposal is considered to be appropriate and has adequate regard to pedestrian and oversnow vehicle movements during the winter period.

Construction – The applicant has provided a Site Environmental Management Plan for the proposal which is considered adequate and appropriate having regard to the proposal. A condition has been included requiring a copy of this SEMP to be on site at all times for all works.

Cumulative impacts – No cumulative impacts are envisaged as a result of this proposal.

Section 91 of the EP&A Act – Integrated development

The proposal is classed as integrated development pursuant to Section 91 of the EP&A Act as a controlled activity approval is required for the development from the Department of Primary Industries – NSW Office of Water (NOW) under Section 91 of the *Water Management Act 2000*.

The NOW issued their General Terms of Approval on 9 March 2016 which have been incorporated in full in the conditions.

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

CI 2 – Aim and objectives:

The proposal is considered to be consistent with the aim and objectives of the Alpine SEPP in that it is consistent with the principles of ESD and improves access and safety from the Skitube Terminal to the pedestrian bridge across Perisher Creek.

CI 11 – Land Use Table

The proposal is considered to fall within the 'recreation infrastructure' definition due to the use of the walkway to gain access from the Skitube Terminal to the skiing areas to the west. Pursuant to clause 11 of the Alpine SEPP, 'recreation infrastructure' is permissible with consent within the Perisher Range Alpine Resort.

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.
(b) the conservation of the natural environment and any measures to mitigate environmental hazards (including geotechnical hazards, bush fires and flooding),	The proposal is appropriate as it allows for improved access through the Perisher Range Alpine Resort and safety of pedestrians while having minimal impact on the environment. Natural hazards have been adequately addressed.
(c) the cumulative impacts of development on existing transport, effluent management systems, waste disposal facilities or transfer facilities, and existing water supply	No adverse cumulative impacts are anticipated as the proposal will not result in any changes to existing transport, effluent management systems, waste disposal facilities, transfer facilities or water supply.
(d) any statement of environmental effects,	The SEE supplied is considered adequate to enable a proper assessment of the proposal.
(e) the character of the alpine resort,	The proposal will not alter the character of the resort.
(f) the Geotechnical Policy – Kosciuszko Alpine Resorts,	A Form 4 - Minimal Impact Certification and a geotechnical assessment prepared by JK Geotechnics has been provided for the proposal. The geotech assessment confirms that the proposal will constitute minimal or no geotechnical impact and provides advice and recommendations to be taken into account during the design and construction phases of the development.
(g) any sedimentation and erosion control measures,	Sedimentation and erosion control are adequately addressed in the SEMP and SEE. Conditions are recommended to ensure implementation during works.
(h) any stormwater drainage works proposed,	The proposal improves the stormwater drainage from the site into Perisher Creek through additional pits and pipe systems and enables melted snow to escape the pathway.
(i) any visual impact of the proposed development, particularly when viewed from the Main Range,	The proposed does not result in any visual impact upon the Main Range.
(j) any significant increase in activities, outside of the ski season,	The proposal will not result in a significant increase in activities outside the ski season.
(k) if the development involves the installation of ski lifting facilities,	The proposal does not involve the installation of any new ski lifting facilities.

(l) if the development is proposed to be carried out in Perisher Range Alpine Resort: the document entitled Perisher Range Resorts Master Plan and the document entitled Perisher Blue Ski Slope Master Plan,	The proposal is consistent with the PRRMP in that the proposal improves pedestrian access to the ski slopes from the Skitube Terminal, while noting future plans that envisage a raised pedestrian bridge over this pathway which will be used for oversnow vehicles.
(m) if the development is proposed to be carried out on land in a riparian corridor.	The proposal includes works within 40 metres of Perisher Creek. Comments received from the NSW Office of Water are discussed in Section 4.2 .
CI 17 – applications referred to the Office of Environment and Heritage (OEH)	
The proposal was referred to the OEH pursuant to clause 17 of the Alpine SEPP. Refer to comments received at Section 4.2 and discussion on proposal at Section 5 .	
CI 26 – Heritage conservation	
European heritage	The proposal will not impact on any European heritage items.
Aboriginal heritage	The proposal will not impact on any European heritage items. However, a condition is recommended to cease work if Aboriginal artefacts are uncovered during the works.

APPENDIX C. RECOMMENDED CONDITIONS OF CONSENT
