

***DEVELOPMENT APPLICATION  
ASSESSMENT REPORT:***

**Trenching for conduit and pits for the “Kicker  
Cam” site**

**Goats Gully, Centre Valley, Perisher Range  
Alpine Resort, Kosciuszko National Park**

**DA 7604**



Assessment under Part 4 of the  
*Environmental Planning and Assessment Act 1979*

May 2016

## ABBREVIATIONS

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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 kicker site along Goats Gully ski run looking towards the Perisher Centre / Skitube building (Source: Applicant photograph)

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## 1. BACKGROUND

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### 1.1 Introduction

This report provides an assessment of a Development Application (DA 7604) lodged by Perisher Blue Pty Ltd on 8 April 2016 under Part 4 of the *Environmental Planning and Assessment Act, 1979* (EP&A Act). The application seeks consent for trenching works for the laying of conduit and pits to enable the operation of the “Kicker Cam”, Goats Gully, Centre Valley within Perisher Range Alpine Resort, Kosciuszko National Park.

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

### 1.2 The Site and Surrounding Development

The site is located at Centre Valley within Perisher Range Alpine Resort, Kosciuszko National Park (**Figure 1**). Centre Valley incorporates a number of ski areas and infrastructure, including the subject site along the Goats Gully ski run.

During the winter period when suitable snow cover is provided, the Applicant forms a small snow kicker out the existing snow. The “Kicker Cam” is a feature that enables skiers and snowboarders to capture photographs of themselves as they ride a “kicker” feature in this location.

The site contains disturbed ski slope with native vegetation and rocks provided to the edge of the Goats Gully ski run. The Applicant previously connected the “Kicker Cam” infrastructure to an existing snowmaking pit, with conduits laid within the snow.



**Figure 1:** Location of site in relation to Front Valley (circled yellow) (Source: SIX Maps 2016)



## 2. PROPOSED DEVELOPMENT

The development application seeks consent for the following:

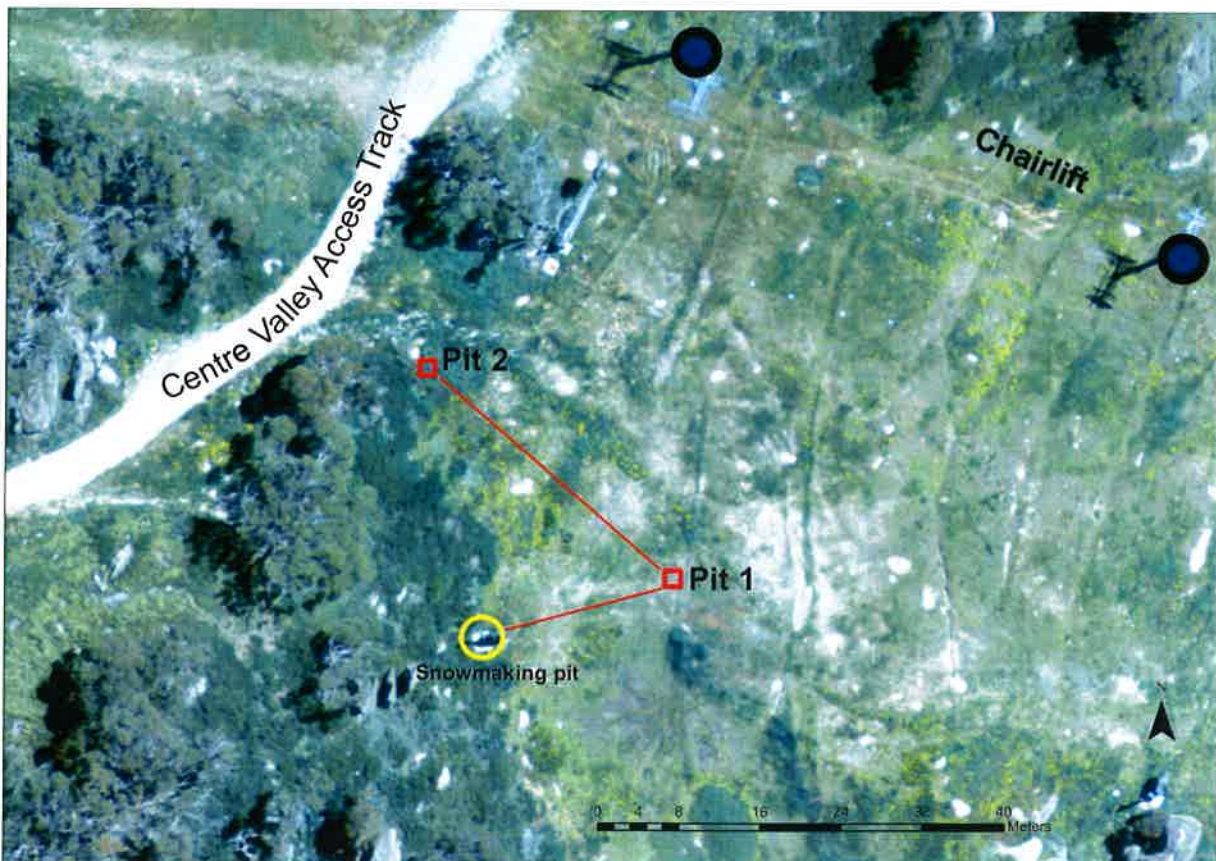
- trenching works to enable conduit and pits to be installed; and
- associated rehabilitation.

### 2.1 Infrastructure

The Applicant states that the trenching works are to commence at an existing snowmaking pit (yellow circle in **Figure 2**), and run approximately 20 metres across the slope to the location of a new electrical pit. From here, the trench will run upslope for approximately 30 metres to link with a second pit.

Trench dimensions are proposed to be 300 mm wide x 500 mm deep, with 2 x 50 mm conduits laid in the trench. The dimensions of the plastic electrical pits are approximately 500 mm long x 230 mm wide x 400 mm deep.

The conduits are proposed to link existing electrical and communications cables to the "Kicker Cam" location.



**Figure 2:** Layout of pit and trenching works (Source: Applicant's SEE)

### 2.2 Access and Rehabilitation

Access to the works area is available from the existing Centre Valley Access Track, up Front Valley. A 7 tonne rubber tracked excavator is proposed to be used for the trenching works.

The trench is to be excavated, with the conduits and pits laid in the excavated trenches and then the sods replaced and revegetated using Chewings fescue, as required.

## 2.3 Justification for proposal

The Applicant's SEE advises that the purpose of the proposal is to install necessary services to the location of the "Kicker Cam", to allow its ongoing use, and to remove the need for electrical and communications services running over snow to operate the camera system.

Without the proposed works, electrical and communications cables would need to be run over snow to the "Kicker Cam" feature each winter that increases the potential for damage to infrastructure and harm to people.

## 3. STATUTORY CONTEXT

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### 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 *Environmental Planning and Assessment Act 1979* (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 proposal includes trenching works and laying of conduit and pits on Goats Gully consistent with the definition of recreation infrastructure on a ski slope. Pursuant to clause 11 of the Alpine SEPP, 'recreation infrastructure' are 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:

- it would support the ongoing use of this facility while considering the potential safety implications if provided within the snow as previously provided; and
- the proposed works have 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 seeks approval for trenching works aimed at supporting the use of an existing ski slope for additional snow related works, while also promoting the orderly and economic use of the site.

The proposal would not result in an adverse environmental impact and includes measures to deliver an ecologically sustainable development (refer to **Section 3.6**).

### 3.6 Ecologically Sustainable Development

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. 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

After accepting the application, the Department placed the application on its website. Due to the nature and location of the proposed works, the Department did not exhibit or notify the application.

The proposal was referred to the Office of Environment and Heritage (OEH) pursuant to clause 17 of the Alpine SEPP. The following comments were received from the OEH in **Table 1** below and, where required, further discussion is provided in **Section 5** and/or by way of a recommended Condition 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"><li>This site has previously been modified from grooming works and is dominated by exotic grasses. The Alpine she-oak <i>Cyclodomorphus praeltus</i> endangered skink have been recorded at two sites within several metres of the proposed works. Whilst the site does not constitute suitable habitat for this species animals in the warmer months are likely to move through the area and therefore it is important that the site is returned to its current state following the completion of works.</li></ul> <p><i>Access</i></p> <ul style="list-style-type: none"><li>To minimise damage from the excavator, works should not be undertaken during or after periods of heavy rainfall.</li></ul> <p><i>Aboriginal Cultural Heritage</i></p> <ul style="list-style-type: none"><li>The site of the proposed works is not within a zone of Aboriginal cultural heritage sensitivity according to "Perisher Range Resorts Area Aboriginal Cultural Heritage Study" (Navin Officer, October 2000). The works involve some ground surface disturbance. Should any Aboriginal objects be uncovered any works impacting the objects must cease immediately and the OEH contacted for assessment of the site.</li></ul>

<p><b>Leasing</b></p> <ul style="list-style-type: none"> <li>The proposed development is permissible under the Consolidated Mountain Licence held by Perisher Blue Pty Limited. Under the <i>Environmental Planning and Assessment Regulation (2000)</i>, landowners consent is required for any development application within a licence area.</li> <li>This consent, from the Minister for the Environment, has been granted. Advisement of consent has been provided directly to the proponent by OEH Park Management Branch Director on behalf of the Minister.</li> </ul> <p>The Applicant acknowledged the comments from the OEH and raised no concerns. Noting the comments above, key issues discussed in the Department's assessment in <b>Section 5</b> are:</p> <ul style="list-style-type: none"> <li>access provisions; and</li> <li>flora and fauna impacts.</li> </ul> <p>Conditions relating to the above comments are recommended.</p>
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## 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 also represents a summary for which additional information and consideration is provided for in further sections of the 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 <b>Appendix B</b> of this report.
(a)(ii) any proposed instrument	Not applicable.
(a)(iii) any development control plan	Not applicable.
(a)(iia) any planning agreement	Not applicable.
(a)(iv) the regulations	Complies – 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 and additional detail is provided in <b>Appendix B</b> of this report.
(c) the suitability of the site for the development	Suitable as discussed in <b>Section 5.7</b> of this report.
(d) any submissions	Refer to <b>Section 4</b> .
(e) the public interest	Refer to <b>Section 5.8</b> of this report.
Biodiversity values impact assessment not required if:	Not applicable.



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|---|--|
| (a) On biodiversity certified land<br>(b) Biobanking Statement exists |  |
|---|--|

## 5.2. Key and Other Issues

The key issues in the Department's assessment are:

- consistency with the Perisher Blue Ski Resort Ski Slope Master Plan;
- environmental impacts of proposal;
- flora and fauna impacts and associated rehabilitation and offsets; and
- managing environmental impacts during construction.

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

## 5.3 Perisher Blue Ski Resort Ski Slope Master Plan (PBSSMP)

The proposal is generally consistent with the PBSSMP, the strategic document for the Perisher ski slopes, as the proposal provides an additional opportunity for visitors to the resort to experience activity.

The Applicant states that the proposed works are consistent with a key goal of *Expansion: provision of additional lifts, trails and other facilities to make efficient use of the areas identified in the PoM for alpine skiing and provide skiers of all skill levels with a range of opportunities.*

Noting this, the proposal is considered to meet the strategic direction of the PBSSMP for Perisher Valley Precinct.

## 5.4 Environmental impacts of proposal

The proposed works are located in an area of disturbed ski slope containing exotic grasses (**Figure 3**). The trench works involve digging of the trench, laying of the conduits and pits and then replacement of the exhumed material in the same location.



**Figure 3:** Alignment of pit and trenching works (Source: Applicant's SEE)

Given the location of the works on a disturbed ski slope, while acknowledging the comments from the OEH that the Alpine she-oak *Cyclodomorphus praeltus* endangered skink has been recorded at two sites within several metres of the site, the Department has formed the view that



no additional flora and fauna investigation in accordance with section 5A of the EP&A Act or an assessment of significance under the EPBC Act, is required for these works.

The Applicant has indicated that the sods are to be replaced once the works have been carried out and revegetated with Chewings fescue seed if required. This is considered to be an acceptable outcome for the proposed works to ensure that it is unlikely to significantly impact on Alpine she-oak *Cyclodomorphus praeltus* skink endangered.

Where necessary, conditions are recommended to ensure mitigation measures which aim to minimise harm to the environment are in place.

## 5.5 Impacts upon flora and fauna

The proposal involves the trenching for the provision of conduit and pits on a disturbed ski slope. Comments received from the OEH recommend that:

- This site has previously been modified from grooming works and is dominated by exotic grasses.
- The Alpine she-oak *Cyclodomorphus praeltus* endangered skink has been recorded at two sites within several metres of the proposed works.
- Whilst the site does not constitute suitable habitat for this species animals in the warmer months are likely to move through the area and therefore it is important that the site is returned to its current state following the completion of works.

The Department notes that the majority of the works will take place within disturbed ski runs and that once works are completed, trenches are proposed to be backfilled to existing levels. In the Applicant advised that the trenchline will be sod replaced, and revegetated with Chewings Fescue seed if required, for additional stabilisation.

Rehabilitation works are recommended to be conducted according to "*Rehabilitation Guidelines for the Resort Areas of Kosciuszko National Park (DECC 2007)*", with the site stabilised with the exhumed material following the works occurring. A further inspection of the site, post winter is also recommended to ensure that the site has maintained stability.

The Department supports the proposal subject to recommended conditions to ensure that disturbed areas are rehabilitated following the works. Despite disturbance being mainly limited to disturbed ski runs, the rehabilitated areas are conditioned to be monitored and necessary action undertaken post winter.

## 5.6 Managing environmental impacts during construction

Proposals within the Alpine resorts are required to consider their impact of construction activities upon the environment. In this regard, access to the site will be achieved directly from the existing access track servicing Front Valley.

The Department notes that the machinery to be used includes a 7 tonne excavator for all the trenching and laying of the conduit and pits. Disturbance corridors for the trenching are expected to be limited to the width of the excavator (approximately two metres).

The OEH commented that to minimise damage from the excavator, works should not be carried out during or after periods of heavy rainfall.

The Department is satisfied that the works can be undertaken without causing an adverse impact on the environment. The use of identified corridors would limit impacts on vegetation, particularly when noting that the path of travel is located on disturbed ski slopes and within close proximity to the Centre Valley Access Track. Conditions are recommended to address this component.

## 5.7 Suitability of the site

The proposed development is considered suitable for the site in that it does not change the use of the site as a ski slope and there will not be a significant impact on any threatened species populations, ecological communities, or their habitats as a result of the proposal. The construction works can be appropriately managed to avoid or mitigate any adverse impacts.

The works are consistent with the aim and objectives of the Alpine SEPP and will enable the trenching of conduits that otherwise would have been laid in or on top of the snow, which could raise issues with skier safety. The Department concludes that the site is suitable.

## 5.8 Public Interest

The proposed development is considered to be in the public interest as:

- it is consistent with the Alpine SEPP (refer to **Section 3.4** and **Appendix B**);
- environmental impacts have been appropriately considered and addressed; and
- the proposal supports the usage of the ski slope throughout the winter period benefiting visitors to Perisher the wider Snowy Mountains region.

## 6. CONCLUSION AND RECOMMENDATION

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### 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;
- construction measures are in place to minimise impacts to disturbed ski slopes;
- the proposal is appropriate as it is consistent with the PBSSMP strategic plan; and
- issues raised by state authorities have been addressed in this report or through recommended conditions of consent.

Overall, the Department is satisfied that the Development Application has been appropriately designed and recommends that the application be approved subject to 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 7604), 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**.

Prepared by:

Mark Brown  
**Senior Planner**  
**Alpine Resorts Team**

NSW Government  
Department of Planning and Environment

Approved by:

Daniel James  
**Team Leader**  
**Alpine Resorts Team**

13/5/2016

## **APPENDIX A. RELEVANT SUPPORTING INFORMATION / SUBMISSIONS**

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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=7604](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7604)

## 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 proposal is located predominantly on disturbed ski slopes and has taken into consideration existing vegetation and potential for impacts upon flora and fauna. Measures are proposed to minimise any impacts to a temporary nature. The proposal is therefore appropriate and is supported.

Access, transport and traffic – The proposal will not increase traffic to the site or impact upon access, transport or traffic management within the resort. Access to the proposed works is off existing tracks and across disturbed ski slopes.

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

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

Heritage – The proposal will not impact upon any Aboriginal or European heritage items.

Other land resources – No impact on other land resources.

Water – Water resources are not impacted by the proposal. The proposed works do not involve additional access to the allocation of water available to Perisher.

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

Noise and vibration – There will be an increase in noise and vibration during the excavation of the trenches and pits, which will be short term and managed in accordance with conditions of consent. These are considered reasonable as the site is quiet and isolated.

Air and microclimate – No impact on the air and microclimate is expected.

Flora and fauna – Refer to **Section 5.4** and **5.5** of this report.

Waste – Any waste generated by construction activities will be collected and disposed of appropriately. The existing sods will be replaced and rehabilitated as required.

Natural hazards – It is not envisaged that any natural hazards would prevent or impact on the development. The Department's Geotechnical Policy – Kosciuszko Alpine Resorts is discussed below under the requirements of the Alpine SEPP.



Technological hazards – Trenching works and the laying of conduit and its are required to comply with relevant Australian Standards (it is noted that no construction certificate is required for these works).

Safety, security and crime prevention – The proposal does not have an impact on security and crime prevention. The laying of the conduit within a trenchline increases the safety of skiers rather than laying conduit within the existing snow.

Social impact – No adverse social impact is envisaged as a result of the proposal.

Economic impact – The proposal has minimal additional economic impact on Perisher Valley and the Perisher Range Alpine Resort in general.

Site design and internal design – The works are predominantly located within a disturbed ski slope that requires the trenching for the laying of conduit and pits. The location of the works has adequately considered the environmental significance of the existing vegetation.

Construction – A Site Environmental Management Plan (SEMP) for the proposal was not provided with the application. A condition has been recommended requiring the preparation of a SEMP that is required to be on site at all times for all works.

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

**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, improves the use of existing ski runs and considers the environmental impact of the proposal.	
CI 11 – Land Use Table	
Pursuant to clause 11 of the Alpine SEPP and the Perisher Range Alpine Resort Land Use Table, works involving ‘recreation infrastructure’ on a ski slope is 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.
(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 the continued operation of the “Kicker Cam” in a safe manner while having minimal impact on the environment. Natural hazards have been adequately addressed.
(c) the cumulative impacts of development on existing	No adverse cumulative impacts are anticipated as the proposal will not result in any changes to existing transport,

transport, effluent management systems, waste disposal facilities or transfer facilities, and existing water supply	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,	The Applicant indicates that the excavation is limited to a maximum depth of 500 mm. Noting the requirements of the the Department’s policy, it is considered that no geotech assessment is required as the works would be consistent with minor earthworks not involving excavation or fill in excess of one (1) metre in height.  The Department supports that the proposed works do not require geotech assessment having regard to the Policy.
(g) any sedimentation and erosion control measures,	Sedimentation and erosion control are recommended to be conditioned to ensure implementation during works.
(h) any stormwater drainage works proposed,	No negative impacts to stormwater or drainage are anticipated.
(i) any visual impact of the proposed development, particularly when viewed from the Main Range,	The proposal 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 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 Applicant indicates that the PSSMP does not envisage the proposal however is consistent with the following key goal of the PSSMP <i>“Expansion: provision of additional lifts, trails and other facilities to make efficient use of the areas identified in the PoM for alpine skiing and provide skiers of all skill levels with a range of opportunities.”</i>  The Department notes the point raised by the Applicant and is satisfied that the proposal is consistent with the PBSSMP.
(m) if the development is proposed to be carried out on land in a riparian corridor.	The proposal is not located within a riparian corridor.

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 <b>Section 4.2</b> and discussion on proposal at <b>Section 5</b> .	
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 site of the proposed works is not within a zone of Aboriginal cultural heritage sensitivity according to “Perisher Range Resorts Area Aboriginal Cultural Heritage Study” (Navin Officer, October 2000).</i></p> <p><i>The works involve some ground surface disturbance.</i></p> <p><i>Should any Aboriginal objects be uncovered any works impacting the objects must cease immediately and the OEH contacted for assessment of the site.”</i></p> <p>The above comments are noted and a condition is recommended to address.</p>

## **APPENDIX C. RECOMMENDED CONDITIONS OF CONSENT**

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