

ENVIRONMENTAL ASSESSMENT REPORT

(under Section 79C of the Environmental Planning and Assessment Act 1979)

Application No.: DA 8099

Applicant: Perisher Blue Pty Ltd

Application Site: Smiggins Workshop, Perisher Range Alpine Resort,
Kosciuszko National Park

Proposal: Removal of Existing Heating Oil Tank

Date: January 2017

1. BACKGROUND

1.1 Introduction

This report provides an assessment of a Development Application (DA 8099) lodged by Perisher Blue Pty Ltd on 21 November 2016 under Part 4 of the Environmental Planning and Assessment Act, 1979 (EP&A Act). The application seeks consent for the removal of an existing heating oil tank at the Smiggins Workshop, Perisher Range Alpine Resort within the Kosciuszko National Park (**Figure 1**).

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



Figure 1: Site location in context to Smiggins Holes (Source: SIX Maps 2017)

1.2 The Site and Surrounding Development

The Smiggin Holes Workshop is bound by three roads, comprising Corroborree Road to the west, Kosciuszko Road to the south and Link Road to the east. The workshop site occupies an area of approximately 5000m² with the workshop building having a footprint of just over 1000m².

The site is highly disturbed and is industrial in nature and consists of both concrete and bitumen hard stand areas, which accommodate Perisher Range resort's grooming fleet plus other snow related vehicles and machinery. The existing heating oil tank is located on the south-eastern corner, within the existing lease boundary.

2. PROPOSED DEVELOPMENT

The application seeks approval for:

- excavation and removal of an 5,400L underground heating oil tank;
- validation of the site; and
- restoration of the site to the same condition prior to works.

The tank is situated underneath a concrete slab which is proposed to be broken up and removed in order to remove the tank. The slab is to be replaced once the tank is removed and the excavation is filled. Soil surrounding the tank will be removed and tested. This soil will be stockpiled on the adjacent hardstand area to be used to backfill the site or disposed of depending on the level of contamination.

The tank will be removed, purged, transported and disposed of in accordance with Australian Standards for the removal and disposal of Underground Petroleum Storage Tanks (AS 4979, 2008). Clean fill for backfilling the excavation is proposed to be sourced from the Smiggin Holes stockpile site. After the excavated area is backfilled, a new concrete slab will be constructed to replace the section that was removed.

The proposal has a cost of works of approximately \$12,000.

3. STATUTORY CONTEXT

3.1. Consent Authority

Under clause 7 of *State Environmental Planning Policy (Kosciuszko National Park – Alpine Resorts) 2007* (the Alpine SEPP), the Minister for Planning is the consent authority for the application 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 the removal of an underground heating oil tank which is consistent with the definition of 'infrastructure facilities' as defined in the Alpine SEPP. Pursuant to clause 11 of the Alpine SEPP, 'infrastructure facilities' is permissible with consent with the Perisher Range Alpine Resort.

3.4. Notification

After accepting the application, the Department placed the application on its website. Due to the nature of the proposal and that the works are within the existing lease area held by the Applicant, the Department did not exhibit or notify the application.

No public submissions were received during the assessment of the application.

The proposal was referred to the Office of Environment and Heritage (OEH) pursuant to clause 17 of the Alpine SEPP.

Despite the location of a watercourse within 40 metres of the Smiggins Workshop, the watercourse is piped under the workshop. The proposal is therefore exempt from requiring a Controlled Activity Approval under the *Water Management Act 2011*.

3.5. Considerations under section 79C of the EP&A Act

Under section 79C of the EP&A Act, in determining a development application, a consent authority is required to take a number of matters into consideration in relation to the proposed development. The Department has given due consideration to the matters prescribed by section 79C.

The Department's consideration of the development against the provisions of section 79C of the EP&A Act is contained in **Section 5** and within **Appendix B** of this report.

3.6. Environmental Planning Instruments

Under section 79C of the EP&A Act, the consent authority, when determining a development application, must take into consideration the provisions of any environmental planning instrument (EPI) and draft EPI (that has been subject to public consultation and notified under the EP&A Act) and development control plan/s (DCP) that apply to the proposal.

The Alpine SEPP is the only EPI which applies to the site for this type of development. An assessment against the requirements of the Alpine SEPP is provided in **Appendix C**. The Department is satisfied that the application is consistent with the requirements of the Alpine SEPP.

3.7. Objects of the EP&A Act

In determining an application, the consent authority should consider whether the proposal is consistent with the relevant objects of the EP&A Act.

The proposal complies with the objects as it seeks approval for the removal of resort infrastructure aimed at reducing environmental risks. The proposal also promotes the orderly and economic use of the site and will not have an impact on the environment thus being ecologically sustainable development (**Section 3.8**).

3.8. Ecologically Sustainable Development (ESD)

The EP&A Act adopts the definition of ESD found in the *Protection of the Environment Administration Act 1991*. Section 6(2) of that Act states that ESD requires the effective integration of economic and environmental considerations in decision-making processes. The Department has considered the project in relation to the ESD principles. The precautionary and Inter-generational Equity principles have been applied in the decision-making process via an assessment of the impacts of the proposal.

3.9. 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

The Department consulted with the Office of Environment and Heritage (OEH), with the issues raised summarised below and a copy of the submission provided in **Appendix A**. The OEH advised that:

- effective bunding of the removal site, stormwater drain and stockpile sites is essential for protection of nearby waterways and bunding must be regularly checked and maintained throughout the project;
- validation to be undertaken during the removal of the tank, rather than afterwards;
- existing sewer services are to be identified and NPWS Perisher Team contacted immediately in the event of any damage to the existing sewer infrastructure, with damage to any service including road infrastructure to be rectified by the Applicant at their expense;
- proposed works are not within a zone of Aboriginal cultural heritage sensitivity, however should any Aboriginal objects be uncovered during construction, any works impacting the objects must cease immediately and the NPWS contacted for assessment of the site; and
- the proposal is permissible under the Consolidated Mountain Lease held by Perisher Blue Pty Limited. The works appear to be within the lease area but works are not permitted outside of the lease area.

Comments from the OEH are considered in **Section 5** and within the recommended conditions of consent at **Appendix D**.

5. ASSESSMENT

The Department has considered the relevant matters for consideration under section 79C of the EP&A Act, the SEE and supporting information in its assessment of the proposal.

The key issues in the Department's assessment of this proposal is in relation to the proposal's compliance with the Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2014 (UPSS Regulation), construction access and impacts and geotechnical matters.

5.1. UPSS Regulation

The works involve the removal of the existing heating oil tank and excavation of the earth that surrounds the tank. An investigation and validation of the site by an appropriately qualified person is proposed to occur and make recommendations for the validation or ongoing management of the site.

The Department has included conditions of consent to ensure the site is appropriately tested, validated and remediated in accordance with the UPSS Reg, UPSS guidelines and relevant standards.

5.2. Construction access and impacts

Access to the site is off Kosciuszko Road, with no new roads or tracks required to be formed.

Potential construction impacts resulting from the proposal include soil erosion and sedimentation, dust, noise and vibration and pollution / contamination of material upon adjoining areas. Conditions of consent are recommended to ensure that the above matters are managed appropriately and minimised where possible.

The OEH recommended that existing sewer services be identified prior to works and also that the lease boundaries are identified on site to ensure that the works are within the lease areas.

The Department is satisfied that the proposed works can be undertaken as proposed in the Statement of Environmental Effects (SEE) while minimising impacts on the environment. Conditions are recommended to address OEH comments and other general works requirements.

5.3. Geotechnical impacts

The works involve excavation of an existing tank and immediate earth adjoining the tank in proximity to the existing Smiggins Workshop. The site is located outside of the G zone under the Department's Geotech Policy and does not involve the erection of any structures, which therefore does not require geotech assessment.

The Applicant has indicated that once the tank is removed, the site is to be validated to determine if further excavation is required. The site is proposed to be validated without compromising building integrity or causing geotechnical issues.

Should remediation of the site be required involving further excavation to remove contamination, the Department is to be notified and assess whether further geotechnical certification is required.

The Department concludes that potential geotechnical impacts are acceptable and will apply conditions of consent to ensure that new fill material is adequately compacted.

6. 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:

- the proposed internal works will not have an impact on threatened species, populations and ecological communities;
- the proposal is appropriate from a geotechnical perspective; and
- the proposal will have beneficial environmental outcomes.


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.

7. 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 8099), 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 D**.

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Approved by:



17/1/2017

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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=8065

APPENDIX B. CONSIDERATIONS UNDER SECTION 79C

Section 79C of the EP&A Act requires that the consent authority, when determining a development application, must take into consideration the following matters:

(a)(i) any environmental planning instrument (EPI)	Consideration of the provisions of all EPIs that apply to the proposed development is provided in Appendix C 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	The Department has undertaken its assessment in accordance with all relevant matters as prescribed by the regulations, the findings of which are contained within this report.
(a)(v) any coastal zone management plan	Not applicable.
(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,	The Department has considered the likely impacts of the development. All environmental impacts can be appropriately managed and mitigated through recommended conditions of consent.
(c) the suitability of the site for the development,	The site is suitable for the proposed works and supports its workshop use.
(d) any submissions made in accordance with this Act or the regulations,	No submissions were received for this proposal.
(e) the public interest.	The proposed development is considered to be consistent with the aim and objectives of the Alpine SEPP and would be compatible to the uses of the locality. There would also not be an adverse impact on the environment and the proposal is consistent with the principles of ESD. As such, the proposal is considered to be in the public interest, subject to the imposition of appropriate conditions.

APPENDIX C. CONSIDERATION OF ENVIRONMENTAL PLANNING INSTRUMENTS

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

CI 14(1) – Matters to be considered by consent authority	
(a) the aim and objectives of this policy, as set out in clause 2	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 supports the use of the site.
(b) the conservation of the natural environment and any measures to mitigate environmental hazards (including geotechnical hazards, bush fires and flooding),	Due to the works involving removal of an existing heating oil tank that endeavours to reduce environmental impacts, the proposal is supported.
(c) the cumulative impacts of development on existing transport, effluent management systems, waste disposal facilities or transfer facilities, and existing water supply,	The proposal does not modify the capacity or use of the existing site.
(d) any statement of environmental effects,	The SEE 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, as the site will be reinstated following the removal of the tank.
(f) the Geotechnical Policy – Kosciuszko Alpine Resorts,	The proposed site is located outside the G zone on the geotechnical maps. The Department has considered the documentation provided by the Applicant and the objectives of the Geotechnical Policy. Stability issues can be effectively addressed through best practice engineering design. No further assessment on geotechnical and structural matters is considered necessary at DA stage.
(g) any sedimentation and erosion control measures,	Appropriate sedimentation measures would be installed during the excavation works.
(h) any stormwater drainage works proposed,	No impact to the existing stormwater or drainage is anticipated. The existing service are to be identified prior to works to ensure that no impacts occur.
(i) any visual impact of the proposed development, particularly when viewed from the Main Range,	The proposal will not result in any visual impact.

(j) any significant increase in activities, outside of the ski season,	The proposal will not result in an 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 considered to be consistent with the PBSSMP.
(m) if the development is proposed to be carried out on land in a riparian corridor.	The Smiggins Workshop is located within 40 metres of a watercourse, however the watercourse is piped under the workshop. The proposal is therefore exempt from requiring a Controlled Activity Approval under the <i>Water Management Act 2011</i> .
CI 15 – Additional matters to be considered for buildings	
Building Height	Not applicable to proposal.
Building Setback	Not applicable to proposal.
Landscaped Area	Not applicable to proposal.
CI 17 – applications referred to the Office of Environment and Heritage (OEH)	
The proposal was referred to the OEH, who raised no concerns with the proposal, as provided in Appendix A . The points raised are discussed in Section 5 of this report.	
CI 26 – Heritage conservation	
European heritage	The proposal will not impact on any European heritage items.
Aboriginal heritage	The proposal is not considered to impact on any European heritage items. A condition is however recommended that should the works uncover any items, then the works are to cease and the OEH be contacted for an assessment of the site.

APPENDIX D. RECOMMENDED CONDITIONS OF CONSENT
