

ENVIRONMENTAL ASSESSMENT REPORT

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

Application No.: DA 8235

Applicant: Perisher Blue Pty Ltd

Application Site: Mitchell T-bar and Carpet 4, Perisher Valley, Perisher Range Alpine Resort, Kosciuszko National Park

Proposal: Earthworks

Date: March 2017

1. BACKGROUND

1.1 Introduction

This report provides an assessment of a Development Application (DA 8235) lodged by Perisher Blue Pty Ltd on 3 February 2017 under Part 4 of the *Environmental Planning and Assessment Act, 1979* (EP&A Act). The application seeks consent for earthworks and slope works to Mitchell T-bar and Carpet 4, Perisher Valley, Perisher Range Alpine Resort within the Kosciuszko National Park (**Figure 1**). The proposal is described in detail in **Section 2** of this report.

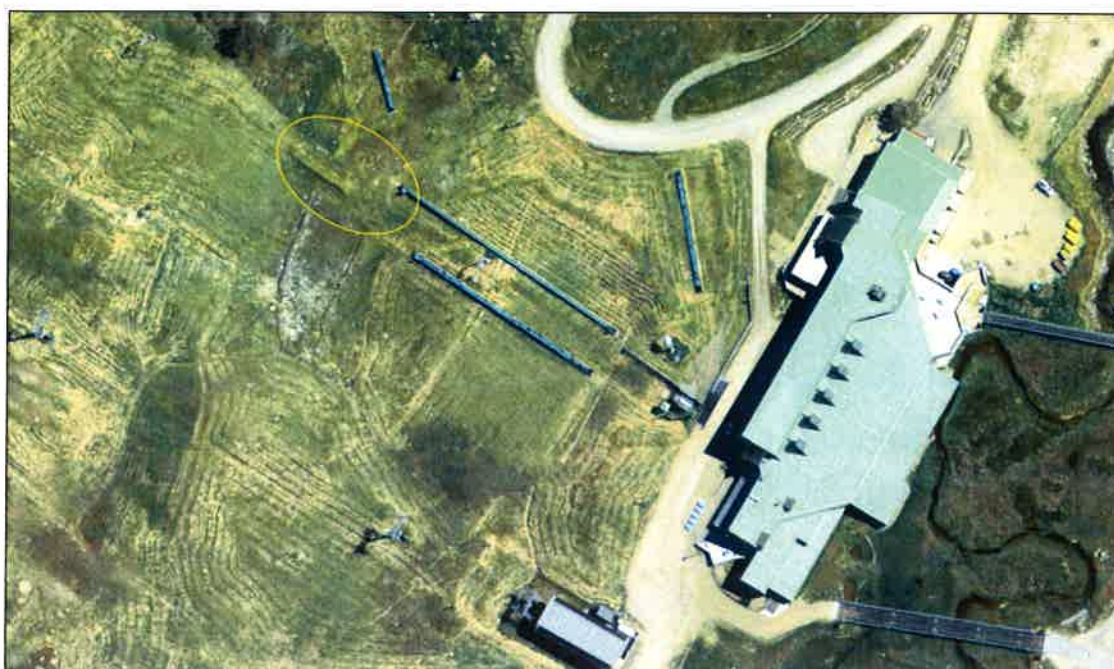


Figure 1: Site location in context to Perisher Valley and ski slopes (Source: SIX Maps 2017)

1.2 The Site and Surrounding Development

The subject site is located on 'Front Valley' within the Perisher Range Alpine Resort with Front Valley servicing the Village 8 Chairlift, Sturt T-bar, Mitchell T-bar and a skier carpet. To the north of this area is Perisher's 'Kids Area' that provide children lessons within an area that contains skier carpets (including Carpet 4), Tom Thumb T-bar and a mobile rope tow.

The proposal seeks approved to undertake works to the Mitchell T-bar alignment and Carpet 4.

2. PROPOSED DEVELOPMENT

The development application seeks consent for the following:

- earthworks and construction of a retaining along Mitchell T-bar;
- earthworks to the top side of Carpet 4; and
- associated works including rehabilitation and provision of a pipe as a fauna crossing

The proposal has an estimated cost of works of approximately \$7,500.

2.1. Earthworks

The earthworks required to undertake the works (**Figure 2**) include:

- Filling between Towers 1 and 2 along the Mitchell T-bar with the fill being approximately spread over an area of 50 metres long x 6 metres wide x 1.5 metres high tapering at each end to match the uphill and downhill slope. A rock retaining wall is to be constructed on the northern side, while the southern side is to be battered. A 225mm pipe under the proposed fill is also proposed to allow for the potential movement of small fauna across this area.

Note: the Applicant indicates that a maximum disturbance of 9 metres wide is proposed when taking into account the retaining wall, filling works and batter.

- Earthworks at the top of Carpet 4 comprise the contouring downwards of an unload area of approximately 7 metres x 7 metres that would be shaped to match the existing slope.



Figure 2: Site location and extent of works (shaded green) (Source: Applicant's SEE)

2.2. Access and Rehabilitation

The Applicant advises that access to the works area is available via Kosciuszko Road, across Perisher carpark and via Burradays Road. Stockpile areas are to be provided adjacent to the Village 8 Chairlift and also at the top of Carpet 4.

Rehabilitation of affected areas is to be undertaken following earthworks in order to provide stabilisation of disturbed areas. All works are in previously disturbed areas, vegetated with exotic grasses. If required, hay bales are proposed to be used to control potential run off from the site.

2.3. Justification for proposal

The Applicant's SEE justifies the application by stating that riding a T-bar or unloading from a carpet can be difficult for a beginner if the terrain is not contoured appropriately. This project proposes to modify the slope immediately above Carpet 4 to form a gently sloping unload away from the Carpet. Similarly, slope grooming along the Mitchell T-bar alignment will provide a more uniform, gentle slope for T-bar riders ascending the lift.

In addition, adequate snow cover on Front Valley is critical to providing a good experience to guests. The proposal to fill along the Mitchell T-bar line will allow large volumes of snow that would normally be required for shaping this area to be utilised elsewhere on Front Valley. In times of marginal conditions, the earth fill along the T-bar alignment will assist in opening the lift during periods of low snow coverage.

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 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 earthworks to an existing T-bar and Carpet area consistent with the definition of works on 'ski slopes'. Pursuant to clause 11 of the Alpine SEPP, 'ski slopes' are permissible with consent within 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 located away from other premises, 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. No public submissions were received during the assessment of the application.

Comments received from the OEH (provided in **Appendix A**) related to flora and fauna, aboriginal cultural heritage and leasing. The Department has considered the comments in **Section 4** and recommended conditions in the instrument of consent at **Appendix D**.

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 works aimed at improving the functionality of existing ski runs / slopes. 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. ASSESSMENT

The Department has considered the relevant matters for consideration under section 79C of the EP&A Act, the SEE, additional information provided by the Applicant and issues raised in submissions in its assessment of the proposal.

The key issues in the Department's assessment are:

- impacts on biodiversity;
- construction impacts;
- construction access and machinery; and
- consistency with the Perisher Blue Ski Resort Ski Slope Master Plan;

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

4.1. Impacts on biodiversity

The location of the site and the inherently sensitive nature of the flora and fauna within the alpine area, combined with the types of impacts associated with the proposed construction, create potential natural environmental impacts that need to be carefully considered by the Department. The Department assessment of the key natural environmental impacts of the proposal along with appropriate mitigation and management measures are considered below:

Endangered Species and Communities

The Applicant states that the site is previously disturbed, while noting that in the past the area was rehabilitated with predominantly introduced vegetation. The broader locality provides a wide variety of flora and fauna species, however the site was considered to contain unsuitable habitat for a direct and in-direct impact upon threatened species or ecological communities.

The Department notes that the OEH commented that:

- the development area is a previously disturbed site and if the works are conducted as proposed in the DA, impacts upon native fauna and flora can be minimised; and
- additional protection of the west area, immediately adjacent to the Mitchell T-bar fill site on the northern side is required. This area is to be fenced off prior to works commencing to ensure that this area containing native vegetation is not impacted by the fill works.

The Department generally supports the Applicant's conclusions and has recommended conditions to address the comments received from the OEH. The location of the site, on disturbed ski slopes, renders the site suitable for the proposed works.

Fauna crossing

The Applicant proposes to install a 225mm pipe under the proposed fill area along Mitchell T-bar to allow for the potential movement of small fauna across this area. No concerns were received from the OEH in regards to the installation.

The Department supports the introduction of new fauna crossings when appropriately designed to enable access across ski slopes or areas of disturbed T-bar alignments or vehicle tracks.

Rehabilitation

In disturbed areas, the Applicant intends to prepare the soil and reseed the area with an 80:20 mix of Chewings fescue seed and native Poa seed to ensure rapid growth of vegetation for adequate stabilisation. Heath plants removed from the site during the works are proposed to be replanted following the completion of the works.

The Department noted the comments provided by the OEH and is satisfied that the proposal can be undertaken within the recommendations. Conditions are proposed to ensure compliance with these recommendation in addition to other recommendations to enable sufficient time for the stabilisation of the sites prior to winter.

Summary

The Departments assessment concludes that impacts on biodiversity as a result of the development have been appropriately mitigated. Where necessary, conditions are recommended to ensure works minimise harm to the environment and vehicles use access tracks or already disturbed areas.

4.2. Construction impacts

The construction of retaining walls and battering the newly shaped land requires careful consideration in terms of construction techniques. The Applicant's Geotech consultant has provided recommendations for each component of the works following a review and an inspection of the site (**Figure 3**), including:

- fill requirements relating to compaction, density testing, rolling and embankment slope; and
- the provision of rocks for the retaining wall being founded in competent residual soils, density and width requirements and be interlocked.



Figure 3: Location of embankment and retaining wall site works (Source: Applicants SEE)

As noted in **Section 4.1**, the OEH comment that the additional protection of the west area, immediately adjacent to the Mitchell T-bar fill site on the northern side is required. This area is to be fenced off prior to works commencing to ensure that this area containing native vegetation is not impacted by the fill works.

The Department has concluded that subject to compliance with the recommendations of the Applicant's Geotech consultant and noting the comments received from the OEH, the proposal is appropriate and is capable of being constructed appropriately without impacting upon native vegetation.

The width of the disturbed area (maximum of 9 metres as stated by the Applicant) does not raise additional concerns noting the disturbed nature of the site.

4.3. Construction access and machinery

The proposal involves a direct impact upon existing disturbed ski slopes through additional earthworks and inclusion of retaining walls.

Proposals within the Alpine resorts are required to consider their impact of construction activities upon the environment. In this regard, the Applicant intends to gain access to the site from existing access tracks off the Burrumys Road (**Figure 3**). Two stockpile areas are proposed, one being adjacent to the Village 8 Chairlift with a secondary area provided adjoining the top of Carpet 4.

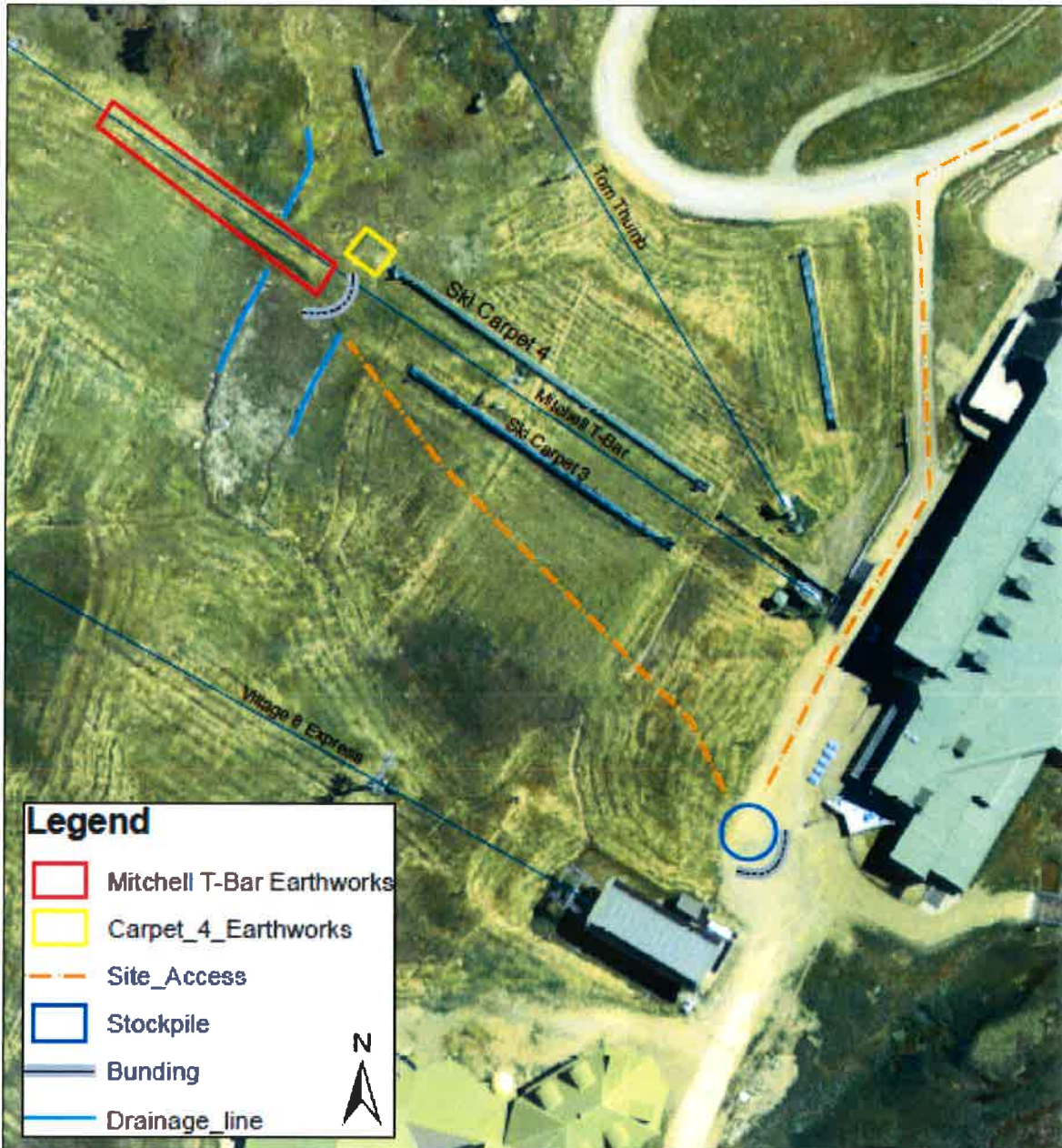


Figure 4: Proposed construction access (orange dotted lines) and stock piling / banded areas (Source: Applicants SEE)

The Department notes that the machinery to be used includes an excavator and vehicles to move the fill and excavated material to and from the stockpile areas.

The Department is satisfied that the works can be undertaken without causing an adverse impact on the environment. Vehicles traversing the already disturbed ski slopes of Front Valley are not

considered to negatively impact on native vegetation and with the proposed bunding and stockpile locations, the proposal is considered to be appropriate. Conditions relating to construction corridors are recommended to address the OEH comments.

4.4. 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 proposed works improves skier safety through providing ski slopes and T-bar lines more accessible for users, while considering the environmental impacts upon the existing vegetation.

The Department concludes that the proposed works are considered to meet the strategic direction of the PBSSMP for Perisher Valley Precinct to improve skier use of existing ski runs.

5. 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 would not be a significant impact on any threatened species, populations or ecological communities;
- the proposal is appropriate as it has beneficial outcomes consistent with the PBSSMP strategic plan for Perisher Valley; 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 the imposition of conditions.

6. 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 8235), 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**.

Prepared by:



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Approved by:



23/3/2017

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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=8235

APPENDIX B. CONSIDERATIONS UNDER THE EP&A ACT

Section 79C(1) – Matters for consideration

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 in Section 5 of this report. The Department is satisfied that all environmental impacts can be appropriately managed and mitigated through recommended conditions of consent.
(c) the suitability of the site for the development,	The suitability of the site has been considered in Section 5 of this report.
(d) any submissions made in accordance with this Act or the regulations,	The Department has considered the issues raised in agency submissions in Section 4 and Section 5 of this report.
(e) the public interest.	<p>The proposed development is considered to be consistent with the aim and objectives of the Alpine SEPP and would benefit visitors to Perisher Range Alpine Resort. There would also not be an adverse impact on the environment and the proposal is consistent with the principles of ESD.</p> <p>The Department considers that the proposed development is therefore in the public interest.</p>

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 existing 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),	The proposal is appropriate as it allows for improvements to ski slopes while having considered its 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 significantly alter the character of the resort and only minimal visual impacts are expected on the landscape as a result of the new raised earthworks and retaining wall.
(f) the Geotechnical Policy – Kosciuszko Alpine Resorts,	A Geotechnical Assessment was carried out by JK Geotechnics following a site inspection. Recommendations were provided addressing fill and batter requirements and the construction of the retaining wall. A Form 4 'Minimal Impact Certification' has been provided.
(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,	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 result in an unacceptable visual impact as the majority of the works will be screened by existing vegetation.

(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,	Refer to Section 4.3 .
(m) if the development is proposed to be carried out on land in a riparian corridor.	The proposal does not include works 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 Section 3 and discussion, where required, on proposal at Section 4 .	
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 are not within a zone of Aboriginal cultural heritage sensitivity according to "Perisher Range Resort Area Aboriginal Cultural Heritage Study" (Navin Officer, October 2000).</i></p> <p><i>The development area is also a previously disturbed site, 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.'</i></p> <p>The above comments are noted and a condition is recommended addressing the above.</p>

APPENDIX D. RECOMMENDED CONDITIONS OF CONSENT
