

## **ENVIRONMENTAL ASSESSMENT REPORT**

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

**Application No.:** DA 8300

**Applicant:** Perisher Blue Pty Ltd

**Application Site:** Mid Station Bistro, Perisher Valley, Perisher Range Alpine Resort, Kosciuszko National Park

**Proposal:** Tree Removal and Pruning, Rock Reduction and Associated Works including a Fauna Crossing

**Date:** May 2017

### **1. BACKGROUND**

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#### **1.1 Introduction**

This report provides an assessment of a Development Application (DA 8300) lodged by Perisher Blue Pty Ltd on 24 February 2017 under Part 4 of the *Environmental Planning and Assessment Act, 1979* (EP&A Act). The application seeks consent for tree removal and pruning, rock reduction and associated works including installation of a fauna crossing at Mid Station Bistro, Perisher Valley, Perisher Range Alpine Resort within Kosciuszko National Park (**Figure 1**).

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

#### **1.2 The Site and Surrounding Development**

The site is located at the Mid Station Bistro within Perisher Range Alpine Resort, Kosciuszko National Park. The area comprising the works is located on the western side (rear) of the bistro. Access during the ski season is from the mid station unload point of the Perisher Quad Express Chair at the top of Goats Gully Ski Run. This area provides access for skiers from Perisher Mountain downslope towards Front Valley.

The site is previously disturbed with a mixture of native vegetation provided throughout the site, including Tall Alpine Heath with and without Eucalypts, Upland Bog-Wet Heath and Sod Tussock Grassland. Access tracks are provided for summer access within the area, particularly to lifting station and huts.

Previous rock and tree removal works were carried out at the site under DA 7582 that was approved on 9 May 2016.



**Figure 1:** Location of works area (red dotted line) and fauna crossing (yellow circle) compared to Mid Station Bistro (Source: Applicant's documentation)

## 2. PROPOSED DEVELOPMENT

The development application seeks consent for the following:

### 2.1 Tree and rock works

The removal of existing vegetation and rock works (**Figure 2**), includes the following:

- removal of a cluster of seven boulders; and
- removal of three mature trees (comprising six large trunks and 4 dead trunks).

The Applicant indicates that where possible, the boulders are to be lifted in the back of a truck by an excavator or alternatively drilled into and broken down to smaller pieces by blasting. The rocks are to be blasted until ground level.

A licenced blaster would undertake all blasting work according to industry best practice and Perisher's blasting procedures. Rock fragments are to be loaded into a 6WD truck, using a 22-tonne excavator for transportation and stockpiling at Smiggin Holes stockpile.

The trees to be removed are to be chain sawed to ground level and cut into smaller pieces for use on revegetation sites.

Works are expected to take no longer than one week to complete.



**Figure 2:** Identification of rocks and trees to be removed (Source: Applicant's SEE)

## 2.2 Fauna crossing

To offset these impacts, the Applicant is proposing the construction of a fauna crossing along an existing summer access road to Mid Station Bistro (**Figure 3**). It is intended that the road would be excavated to an approximate depth of 500mm and a concrete pipe placed in the trench. Small rocks would then be placed at either end of the crossing to exclude feral pests. The pipe would then be covered to allow continued use of the summer road.

Construction of the fauna crossing is expected to be completed in a single day.



**Figure 3:** Possible location of fauna crossing (Source: Applicant's SEE)

## 2.3 Access and rehabilitation

Access to the site is proposed via the existing summer access road servicing Front Valley and up to Mid Station Bistro. Machinery proposed to be used includes a 22-tonne excavator and 6WD vehicles to transport rock fragments for stockpiling at Smiggin Holes stockpile site.

Any disturbed soil is to be stabilised with Chewings fescue.

## 3. STATUTORY CONTEXT

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### 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 removal of trees and rocks adjacent to the Mid Station Bistro ancillary to the operations of a 'Food Outlet'. Pursuant to clause 11 of the Alpine SEPP, 'Food Outlets' 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 available to the public. Due to the location and nature of the works (being tree and rock removal works away from accommodation buildings) the application was not notified or exhibited. 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 Alpine SEPP. Comments received from the OEH (provided in **Appendix A**) related to fauna and flora, leasing and aboriginal cultural heritage.

The Department has included discussion on relevant matters in the OEH 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 4** 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 the waste transfer area behind the Mid Station Bistro that assist promoting the orderly and economic use of the site within Perisher Range Alpine Resort. While some vegetation is to be removed, the overall impact on the environment is considered satisfactory and thus being ecologically sustainable development (**Section 3.8**).

### 3.8 Ecologically Sustainable Development

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

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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 are:

- impacts on biodiversity;
- 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 surrounded by previously disturbed land dominated by exotic grasses, with the proposal involving the removal of a cluster of seven boulders, and three mature *E. pauciflora*, comprised of six large trunks and four dead trunks.

The Department notes that the OEH commented that:

- The area proposed for the tree and rock removal is previously modified from the bistro construction and grooming works. The area was also modified under DA 7582 with some tree and rock removal occurring prior to winter 2016. OEH acknowledges that further tree and rock removal is required to facilitate the waste collection at this site. The trees and rocks proposed for removal are directly surrounded by exotic vegetation.
- Rock removed from site should not be placed on existing native heath and should only be used in the proposed fauna crossing or taken to the Smiggins stockpile site.
- All tree removal should be in accordance with the methods proposed in the SEE. In addition all trees proposed for removal should be clearly marked and be checked for the presence of fauna, nests or dreys. OEH should be contacted for advice on suitable procedures to be followed if fauna is present.

The location of the site and the adjoining food outlet use, renders the site suitable for the proposed works and would assist in its operation. The Department generally supports the Applicant's submission and has recommended conditions to address the comments received from the OEH.

### Fauna crossing

The Applicant proposes to install a 500mm pipe under the existing summer access road approximately 300 metres to the east of the Mid Station Bistro to allow for the potential movement of small fauna across this area.

No concerns were received from the OEH in regards to the installation of the fauna crossing, with the OEH recommending that the crossing be installed at the same time (commence within 1 month) as the tree and rock removal to provide an immediate offset.

The Department notes that the location of the fauna crossing provides an opportunity for fauna to cross underneath the existing summer access road between vegetation on either site. The Department supports the introduction of the fauna crossing.

### Rehabilitation

Following the blasting and rock removal works, the Applicant intends to stabilise disturbed soil with Chewings fescue seed. The OEH have recommended that an 80:20 mix of Chewings Fescue and *Poa fawcettiae* should be provided for the rehabilitation as there is some native vegetation near the proposed works area. The Applicant has raised no concerns with the comments from the OEH.

Rehabilitation of the site shortly after blasting and rock removal and installation of the fauna crossing is supported. The Department has recommended conditions to ensure compliance with the recommendations from the OEH 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 because of the development have been appropriately mitigated. Where necessary, conditions are recommended to ensure works minimise harm to the environment.

## 4.2 Construction access and machinery

Proposals within the Alpine resorts are required to consider their impacts upon the environment as a result of construction activities. In this regard, the Applicant intends to gain access to the site from existing disturbed access tracks that provide access to the Mid Station Bistro site during the summer months.

The OEH has recommended that to minimise damage from the excavator, works should not be undertaken during or after periods of heavy rainfall. The disturbance area should be clearly marked so there is no vehicle or machinery disturbance outside of the proposed works area and access tracks.

The Department is satisfied that the works can be undertaken without causing an adverse impact on the environment. Vehicles and the excavator can traverse to the site along the existing access tracks thereby minimising their impact on native vegetation. Conditions relating to access and machinery are recommended to address the OEH comments.

## 4.3 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 proposed works improve waste management facilities at the site, while considering the environmental impacts upon the existing vegetation. The PBSSMP provides context for required expansions due to growth in visitor numbers.

The Department concludes that the proposed works are considered to meet the strategic direction of the PBSSMP for Perisher Valley Precinct to improve environmentally conscious waste management.

## 5. CONCLUSION

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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;
- 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

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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 8300), 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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**Alpine Resorts Team**



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**Alpine Resorts Team**



## **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=8300](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8300)

## 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 <b>Appendix C</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	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 <b>Section 4</b> 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 <b>Section 4</b> 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 <b>Section 4</b> of this report.
(e) the public interest.	<p>The proposed development is 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 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 adjoining Mid Station Bistro.
(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 the operation of the Mid Station Bistro food outlet premises 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 significantly alter the character of the resort and the loss of the existing rocks and vegetation is considered acceptable.
(f) the Geotechnical Policy – Kosciuszko Alpine Resorts,	<p>For the tree and rock removal works, the proposal is exempt under the Department's Geotechnical Policy as it could be considered landscaping with minimal excavation or ground disturbance proposed.</p> <p>For the proposed fauna crossing, the proposal is located within the G zone on the geotechnical maps. The Department has considered the documentation provided by the Applicant and the objectives of the Geotechnical Policy. The proposal involves excavation of the site to a maximum of 500mm in depth and installation of a concrete pipe. The site is located across an existing access track and not within close proximity to any tourist accommodation buildings. Stability issues can be effectively addressed through best practice engineering design.</p> <p>No further assessment on geotechnical and structural matters is considered necessary at DA stage.</p>

(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 is not 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,	Refer to <b>Section 4</b> .
(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.
<b>CI 17 – Applications referred to the Office of Environment and Heritage (OEH)</b>	
The proposal was referred to the OEH pursuant to clause 17 of the Alpine SEPP. Refer to comments received at <b>Section 3</b> and discussion, where required, on proposal at <b>Section 4</b> .	
<b>CI 26 – Heritage conservation</b>	
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 previously disturbed, 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**

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