



Mr Mark Brown
Senior Planning Officer
Alpine Resorts Team
Department of Planning and Environment
Jindabyne NSW 2627

Our reference: DOC18/739256
EF18/43211

Dear Mark,

DA Referral – Toppa’s Dream Ski Run Snowmaking, Perisher Valley DA 9622

I refer to the above development application (DA) forwarded to the Office of Environment and Heritage (OEH). I provide the following comments in accordance with clause 17 of the *State Environmental Planning Policy (Kosciuszko National Park - Alpine Resorts) 2007*. In providing these comments consideration has been had to the *National Parks and Wildlife Act 1974*, the *Kosciuszko Plan of Management (2006)* and the *Biodiversity Conservation Act 2016 (BC Act)*.

1. Flora and Fauna

- 1.1 The proposed development site and surrounding area contains native flora and fauna, including threatened species. A Biodiversity Development Assessment Report (BDAR) has been provided by the proponent as required under the BC Act as the proposed development area is identified on the Biodiversity Values Mapping and hence the Biodiversity Offsets Scheme is triggered.
- 1.2 The Regional Operations Division and the Save Our Species Team of OEH have assisted in the review of the BDAR.

Biodiversity Development Assessment Report (BDAR)

Threatened species

- 1.3 OEH concurs with the BDAR as follows:
 - 1.3.1 That the habitat is suitable for **Board-toothed Rat** and the findings for this species.
 - 1.3.2 That the habitat is suitable for **Alpine She-oak Skink**. OEH notes that disturbed areas such as ski slopes may also be suitable for Alpine She-oak Skink but OEH concurs with the area (0.14ha) of habitat deemed to be impacted and offset.
- 1.4 In relation to the **Guthega Skink** habitat, OEH considers that the site contains potential suitable habitat for it. As a targeted survey was unable to be conducted for the Guthega Skink due to time of year, OEH strongly supports the recommendation in the BDAR that a targeted search for the Guthega Skink is conducted as soon as weather conditions are favourable with results submitted to both DPE and OEH. This survey, and the submission of the results, should be conducted prior to the determination of the DA.
- 1.5 This targeted survey will ensure that all components of the Biodiversity Assessment Method (BAM), particularly in regard to demonstrating that all possible avoidance, minimising and mitigation measures have been conducted – sections 8 and 9 of the BAM. The survey is required to accurately determined the likelihood of the species occurring in this area and the potential impacts to this species.

- 1.6 In relation to **Mountain Pygmy Possum** habitat, whilst no boulder fields occur within the development site there is significant habitat within 250m and individuals may forage in the development area. Plant species such as *Pimelia ligustrina* & *Olearia phlogopappa* have been listed in the BDAR as being onsite and these plants form part of the Possums' diet. This potential impact should be considered in a BDAR with mitigation measures proposed.
- 1.7 Mitigation measures for this potential impact to plants that form part of the Possums diet could include ensuring these plants are included in the rehabilitation of the site, and in suitable locations. If this information is included as part of the detailed rehabilitation and monitoring plan, as recommended in point 1.16 below, then OEH does not require an amendment to the BDAR to address this potential impact.

Inconsistency between BDAR and Statement of Environmental Effects (SEE)

- 1.8 OEH notes that the SEE states that the lateral trench is proposed for 4.5m wide whereas the BDAR states the lateral trench is only 4m wide. All BDAR calculations appear to have been done using the 4m width and thus the 4m should be the maximum width of the lateral.

Model consent conditions

- 1.9 OEH will provide recommended consent conditions as per model conditions for the credits once the Guthega Skink survey has been conducted and results provided to OEH.
- 1.10 All measures to mitigate and manage impacts of this proposal which are outlined on page 1 and in tables 21,23, 25, 26 and 34 of the BDAR must be adhered to.

Other OEH recommendations

- 1.11 In order to assist in avoiding and minimising any impacts of the proposed development (section 7.13(6) of the BC Act), OEH recommends that the Department include the following measures in its consent conditions.

Disturbance corridor

- 1.12 OEH notes that the width of the disturbance corridor for the main trenches is 8m as opposed to the usual 6m. The Statement of Environmental Effects (SEE) states the requirement for 8m, is due to the steepness of the site requiring temporary benching. OEH recommends that the disturbance corridor for the main trenches is kept to as minimal distance as required.
- 1.13 Further, all disturbance related to the development must be included within the development footprint. Therefore, if the BDAR calculations have all used the 8m disturbance footprint for mains and 4m for laterals, then all disturbance – including sediment and erosion controls, benching etc - must be contained within the 8m or 4m footprint. OEH requests that there is to be no disturbance outside of this footprint.

Native vegetation and rock removal

- 1.14 To protect the existing trees, potential fauna habitats and surrounding native vegetation the following is recommended:
- (i) All vegetation and rocks required for removal must be clearly marked.
 - (ii) All vegetation removed must be cut into smaller pieces, stored and reused for thatching for rehabilitation. Any residual vegetation can either be placed in adjoining native vegetation (without damage) or be removed from site completely.
 - (iii) All rocks removed during the works should be replaced in the surrounding landscape without damaging existing native vegetation or removed from site completely.
 - (iv) All vegetation must be checked for fauna habitats and fauna by the Environmental Officer immediately prior to felling/clearing. If fauna is present, then the proponent must contact OEH to assist with mitigation actions.

- (v) All vegetation and rocks should not be felled/removed in a manner which damages other surrounding vegetation.

Rehabilitation

- 1.15 OEH notes that the site is a very steep slope which will require a significant effort to rehabilitate effectively.
- 1.16 A detailed rehabilitation and monitoring plan should be prepared and endorsed by OEH prior to works commencing. It should include site specific details for the implementation, maintenance, monitoring and reporting on the rehabilitation areas.
- 1.17 The rehabilitation plan should include the following points to increase the chance of successful rehabilitation:
 - (i) Initial establishment of rehabilitation, including all planting, mulching and stabilisation must commence as soon as possible and be conducted within the same construction season.
 - (ii) Exotic grass species such as Chewings Fescue are not suitable for the rehabilitation of areas containing any native species.
 - (iii) Monitoring, maintenance and replacement planting must occur at least every 12 months with results recorded including photos points.
 - (iv) Rehabilitation must be in accordance with the '*Rehabilitation Guidelines for the Resort Areas of Kosciuszko National Park*'.
 - (v) All straw bales used for rehabilitation must be certified as weed free.
 - (vi) Anionic emulsion is not considered suitable for use in this area due to high levels of native species.
 - (vii) The rehabilitation plan should include information on species, planting ratios, schedule, weed management, rehabilitation methods, monitoring regimes, and maintenance schedules and methods etc.

Trenching

- 1.18 The following conditions are recommended for areas of trenching:
 - (i) If trenches are left open overnight, then fauna egress provisions must be included.
 - (ii) The revegetation of all trench lines must be monitored and maintained until they are stabilised.
 - (iii) Sod replacement should be used where possible.
 - (iv) If sod replacement does not achieve rapid stabilisation and revegetation in some areas, or is not suitable for an area, then follow up rehabilitation of the site is required to achieve an erosion resistant state.

Machinery, equipment and materials

- 1.19 To minimise weed vectors and other quarantine issues, all machinery used during construction must be cleaned prior to entry into the park and prior to site mobilisation to ensure the machinery is free of mud and vegetative propagules. This is particularly important for machinery that may have been working in an area of the resort that contains weeds.
- 1.20 All machinery and equipment must be stored on existing disturbed areas (ski slopes) and should not be stored on native vegetation.

Stockpile sites and Soil and Waste Management

- 1.21 To minimise impacts to native vegetation the following conditions are recommended:
 - (i) All stockpiling is to be in accordance with the '*Soil Stockpile Guidelines for the Resort Areas of Kosciuszko National Park, 2017*'.

- (ii) The proposed stockpile sites, including materials storage areas, parking and waste management (skip bins) must not impact on native vegetation.
- (iii) All waste management receptors must be able to be covered to ensure waste cannot blow away or must be emptied or removed from site each day.
- (iv) Erosion and sediment control measures must be regularly checked and maintained.
- (v) All straw bales used for sediment and erosion control must be certified as weed free.

Imported Materials and stabilising agents

1.22 Imported gravel/materials must be free from weeds and pathogens and the use of soil stabilising agents is not permitted without OEH endorsement.

2. Leasing

2.1 The proposed development is permissible under the Deed of Licence held by Perisher Blue Pty Limited. Under the *Environmental Planning and Assessment Regulation (2000)*, landowners consent is required for any development application within a licence area. This consent, from the Minister for the Environment, has been requested. OEH will advise the Proponent when the Minister has reviewed the request.

3. Aboriginal Cultural Heritage

3.1 The Aboriginal Heritage Assessment has followed a suitable process and due diligence in determining that the proposed works are unlikely to harm Aboriginal objects has been demonstrated.

3.2 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.

If you have any further enquires please contact the Assessment Coordinator, Bec Owen on 02 6450 5543.

Yours sincerely



Mick Pettitt
Director
Southern Ranges Branch
11 October 2018