



**Planning &
Infrastructure**

**DEVELOPMENT ASSESSMENT REPORT
MODIFICATION 1 OF DA 036-08-2011**

**Upgrading of snowmaking infrastructure
Lower Rollercoaster ski run, Blue Cow,
Perisher Range alpine resort**

Proposed by Perisher Blue Pty Ltd

Part 4 of the
Environmental Planning and Assessment Act 1979

April 2012

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1 EXECUTIVE SUMMARY

This report is an assessment of an application to modify development consent DA 036-08-2011 pursuant to s 96(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act). The application is assessed under Part 4 of the EP&A Act, the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation), and *State Environmental Planning Policy (Kosciuszko National Park – Alpine Resorts) 2007* (the Alpine SEPP).

Consent authority

Under the provisions of the Alpine SEPP, the Minister for Planning and Infrastructure is the consent authority for development within the NSW alpine resorts.

Background

Development consent was granted to Perisher Blue Pty Ltd on 21 December 2011 for the upgrading and automation of the snowmaking infrastructure along the Lower Rollercoaster ski run at Blue Cow, within the Perisher Range alpine resort.

Proposal

The applicant, Perisher Blue Pty Ltd, seeks consent to modify the approved development by relocating the P13 snowmaking gun approximately 18 metres south east and upslope from the original position.

Permissibility

Pursuant to cl 11 of the Alpine SEPP and the Perisher Range Alpine Resort Land Use Table, 'snow-making infrastructure' is permissible with consent.

Key considerations

The proposed modification has been considered against the relevant matters for consideration and the key considerations arising from this assessment is outlined below.

Flora and fauna

The proposed location of the P13 snow gun will involve the removal of two square metres of native heath vegetation at the new pit location. This is considered to be a very minor loss of heath vegetation which is acceptable given the heath planting offsets proposed as part of the original proposal. The native heath vegetation along the trench corridor will be reinstated using the sod replacement technique.

Downslope of the new snow gun location, one mature snow gum, a dead snow gum trunk (without hollows), and approximately eight regenerating snow gums are proposed to be removed, along with some minor tree trimming of overhanging branches. A condition has been included in Schedule 2 requiring that the trees proposed to be removed are offset and the approved rehabilitation plan be amended to incorporate this.

Geotechnical

The applicant has submitted further geotechnical advice, confirming that the proposed modification will constitute minimal or no geotechnical impact on the site, and a number of recommendations have been provided. A condition is contained in Schedule 2 requiring compliance with these additional geotechnical recommendations.

Consultation

The proposed modification was referred to the NSW Environment and Heritage (OEH) pursuant to cl 17(1) of the Alpine SEPP. Before determining an application, the consent authority is to take into consideration any comments made by the OEH within 28 days after that referral. This period ended on the 12 March 2012 and a response still has not been forthcoming from the OEH.

Conclusion

After consideration of the proposal against the relevant statutory considerations, s 79C of the EP&A Act, s 96(1A) of the EP&A Act and the provisions of the Alpine SEPP, it is concluded that the proposed modification to development consent DA 036-08-2011 is appropriate and acceptable. The works will not have an adverse environmental impact, disturbed areas will be appropriately rehabilitated, any vegetation lost will be appropriately offset, and the modification is appropriate from a geotechnical perspective. The proposed modification is therefore recommended for approval subject to the conditions contained in Schedule 2.

2 BACKGROUND

2.1 Locality

The Perisher Range alpine resort is located within Kosciuszko National Park, approximately 35 kilometres from Jindabyne. The Lower Rollercoaster ski run extends from Blue Cow road to the base of the Ridge Quad chairlift at Blue Cow.

2.2 Site description

The works are proposed within and on the edge of the existing Lower Rollercoaster ski run.



Photograph 1: View of the lateral trench line, the orange tagged stake marking the location of the snow gun pit.



Photograph 2: Tree to be removed. Stake to the right is the start of the lateral trench.

2.3 DA 036-11-2011

Development consent was granted to Perisher Blue Pty Ltd on 21 December 2011 for the upgrading and automation of the snowmaking infrastructure along the Lower Rollercoaster ski run at Blue Cow. This included:

- the removal of 14 existing snowmaking hydrants (including one twin hydrant);
- installation of 12 automated snow guns (11 lance guns and one fan gun) either by replacing the existing hydrants or relocating adjacent to the existing hydrants;
- installation of a retractable snowmaking pit;
- the placement of conduits for electricity and communications in the existing main and lateral snowmaking trench lines;
- extension of the lateral snowmaking trench lines for six of the new snowmaking guns;
- additional trenching between P12, P13 and the existing fan gun at the lower extent of the works;
- minor tree trimming; and
- rehabilitation.

3 THE PROPOSED MODIFICATION

3.4 Overview of the proposed modification

The applicant seeks consent to modify the approved development by relocating the P13 snowmaking gun.

This will involve a new 14.5 metre lateral trench line to connect the new snow gun with services, and the removal and trimming of snow gums immediately downslope of the snow gun.

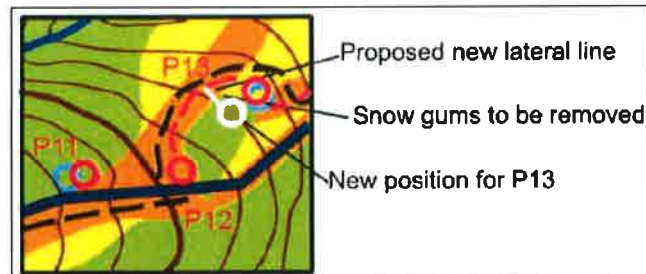


Figure 1: Proposed variation (source: Supplementary Report).

3.5 Original location of the P13 snow gun

The approved location of the P13 snow gun was directly adjacent to the existing tree and the existing snowmaking hydrant.

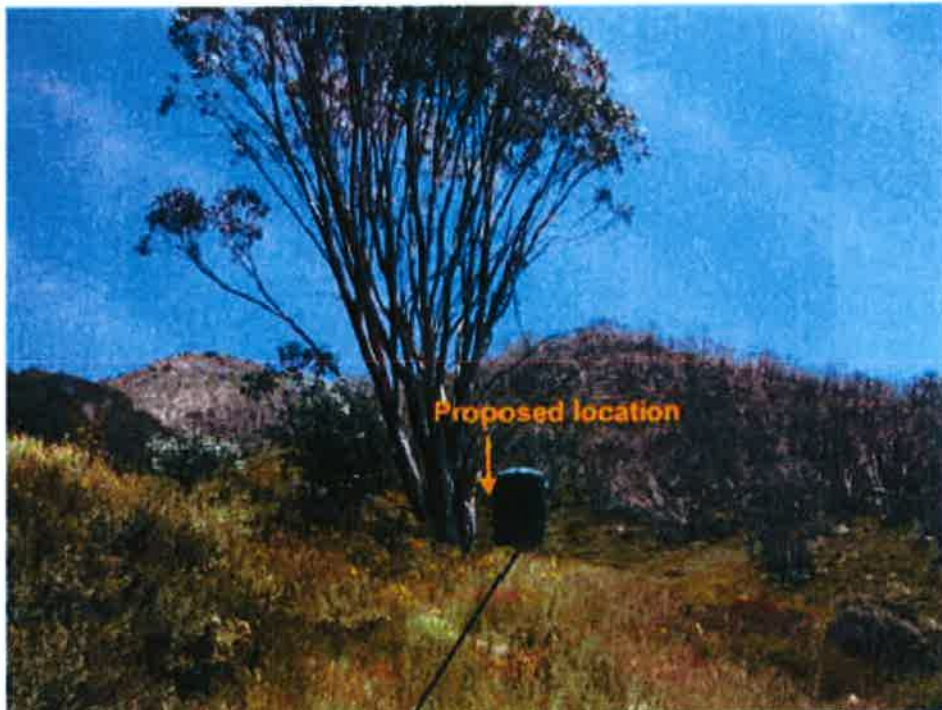


Figure 2: Original location of P13 (source: SEE for DA 036-08-2011).

3.6 Proposed location of the P13 snow gun

The applicant seeks consent to modify the approved development by relocating the P13 snowmaking gun approximately 18 metres south east and upslope from the original position.

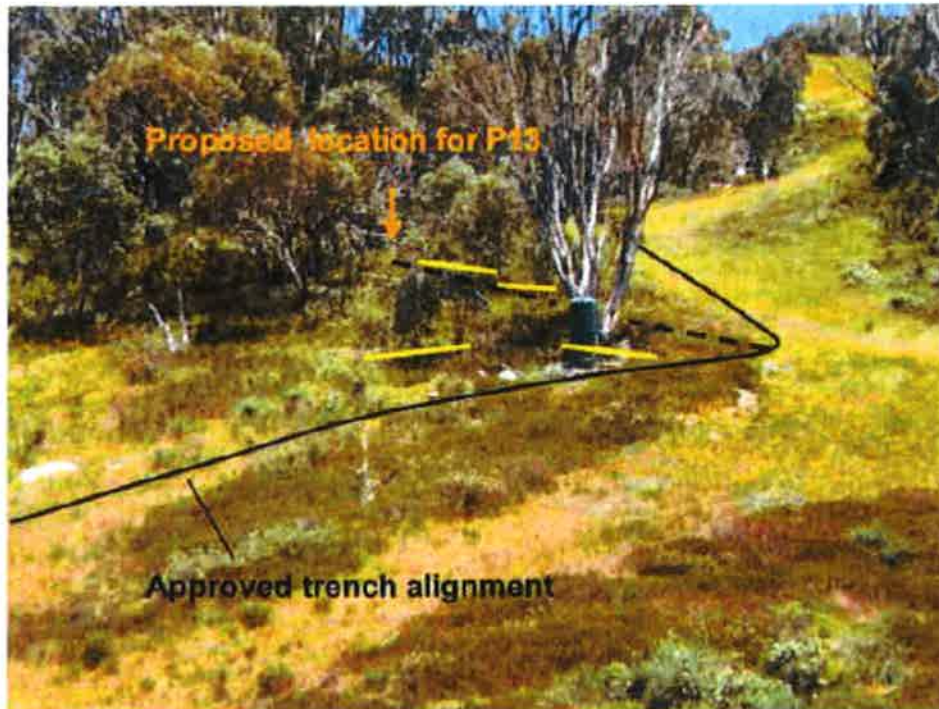


Figure 3: Overview of the proposed works, the broken black line showing the proposed lateral trench and the orange arrow showing the proposed snow gun pit location (source: SEE).

Locating the snowmaking gun at this elevated position would mean the man-made snow is airborne for a longer period before settling on the ground. This would provide more time for the snow to freeze and dry-out, thereby achieving greater snow coverage and a better skiing surface.

The removal of the existing snow making hydrant and the adjacent tree would improve skier safety by removing potential obstacles and reducing the risk of collisions.

4 STATUTORY FRAMEWORK

4.1 Development assessment

The application has been made and assessed pursuant to Part 4 of the EP&A Act and the EP&A Regulations.

4.2 Statement of permissibility

'Snow-making infrastructure' is permissible with consent pursuant to cl 11 of the Alpine SEPP and the Perisher Range Alpine Resort Land Use Table.

4.3 Statutory considerations

The proposal has been considered against the relevant statutory considerations, including:

- the principles of Ecologically Sustainable Development (ESD);
- the objects of the EP&A Act;
- ss 5A and 79C of the EP&A Act;
- the Alpine SEPP; and
- the SSMP 2002.

The full assessment is provided in Appendix A and a discussion of the key considerations is provided in section 6 of this report.

4.4 S 96(1A) of the EP&A Act

The Department is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted. Furthermore, the proposed modification is of minimal environmental impact and the application may be determined under section 96(1A) of the EP&A Act.

5 CONSULTATION

5.1 NSW Office of Environment and Heritage

The proposed modification was referred to the NSW Environment and Heritage (OEH) pursuant to cl 17(1) of the Alpine SEPP. Before determining an application, the consent authority is to take into consideration any comments made by the OEH within 28 days after that referral. This period ended on the 12 March 2012 and a response still has not been forthcoming from the OEH.

6 CONSIDERATION

The proposal has been considered against the relevant matters for consideration and a full assessment is provided in Appendix A. The following is a discussion of the key matters arising from this assessment.

6.1 Flora and fauna

The proposed location of the P13 snow gun will involve the removal of native heath vegetation at the new pit location, and the disturbance of native heath vegetation along the lateral trench line. The conditions contained in Schedule 2 require that the sod replacement technique be employed along the trenchline. This means that the existing vegetation along this disturbance corridor will be reinstated upon completion of the works, and the only native heath vegetation to be permanently lost will be at the pit location, involving a total area of two metres by two metres. This is considered to be a very minor loss of heath vegetation which is acceptable given the heath planting offsets proposed as part of the original proposal.

Downslope of the new snow gun location, one mature snow gum, a dead snow gum trunk (without hollows), and approximately eight regenerating snow gums are proposed to be removed, along with some minor tree trimming of overhanging branches. A condition has been included in Schedule 2 requiring that the trees proposed to be removed are offset and the approved rehabilitation plan be amended to incorporate this.

6.2 Geotechnical

The applicant has submitted further geotechnical advice, confirming that the proposed modification will constitute minimal or no geotechnical impact on the site, and a number of recommendations have been provided. A condition is contained in Schedule 2 requiring compliance with these additional geotechnical recommendations.

7 CONCLUSION

After consideration of the proposal against the relevant statutory considerations, s 79C of the EP&A Act, s 96(1A) of the EP&A Act and the provisions of the Alpine SEPP, it is concluded that the proposed modification to development consent DA 036-08-2011 is appropriate and acceptable. The works will not have an adverse environmental impact, disturbed areas will be appropriately rehabilitated, any vegetation lost will be appropriately offset, and the modification is appropriate from a geotechnical perspective. The proposed modification is therefore recommended for approval subject to the conditions contained in Schedule 2.

8 DELEGATIONS

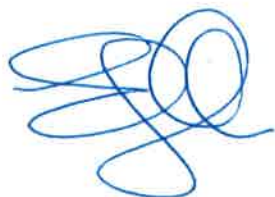
It is considered that Daniel James, Team Leader, Alpine Resorts Team has the delegation to exercise the function as a consent authority as provided by the Minister for Planning and Infrastructure, pursuant to s 23 of the *Environmental Planning and Assessment Act 1979*. This exercise of delegations is considered to be appropriate and in accordance with the *Instrument of Delegation* dated 14 September 2011.

9 RECOMMENDATION

It is recommended that Daniel James, Team Leader, Alpine Resorts Team as delegate for the Minister for Planning and Infrastructure, under the *Instrument of Delegation* dated 14 September 2011, pursuant to s 96(1A) of the *Environmental Planning and Assessment Act 1979* and State Environmental Planning Policy (Kosciuszko National Park – Alpine Resorts) 2007:

- (i) grant consent to **DA 036-08-2011 MOD 1** subject to conditions (refer to **Schedule 2**);
and
- (ii) sign and date the **Notice of Determination** for DA 036-08-2011 MOD 1 (refer to **Notice of Determination**).

Prepared by:



Erin Fuller
Senior Planner
Alpine Resorts Team

Approved by:

Daniel James
Team Leader
Alpine Resorts Team

**Determined as Delegate of the Minister for
Planning and Infrastructure**

Appendix A – Statutory Assessment & Consideration

A1 ECOLOGICALLY SUSTAINABLE DEVELOPMENT

The Department has considered the proposed development against the five principles of ESD set out in s 3 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). The proposed modification does not alter the conclusions reached in the original assessment relating to ESD.

A2 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

Objects

The proposal as modified is considered consistent with the objects of the EP&A Act in that there will not be an adverse environmental impact, the proposal is consistent with the principles of ESD and will contribute to the orderly development of the resort.

Section 5A - Significant effect on threatened species, populations or ecological communities, or their habitats

There are two threatened species that occur, or may occur, within the vicinity of the proposed works – the Broad-toothed Rat (*Mastacomys fuscus*) and the Gang-gang Cockatoo (*Callocephalon fimbriatum*). Both species are listed as vulnerable under the TSC Act 1995.

The applicant provided an assessment of significance for both species with the original development application, in accordance with s 5A of the EP&A Act and the gazetted assessment guidelines. This assessment concluded that the proposed works will not have a significant impact on either of these species. The proposed modification does not alter these conclusions.

Section 79C(1) - Matters for consideration - general

In determining a development application, a consent authority must take into consideration the matters referred to in s 79C(1) of the EP&A Act as are of relevance to the development:

S 79C(1)(a)(i) the provisions of any environmental planning instrument
The only environmental planning instrument applicable to the proposal is State Environmental Planning Policy (KNP – Alpine Resorts) 2007. See section A.3 for an assessment of the proposal against this Policy.
S 79C(1)(a)(ii) the provisions of any proposed instrument
None are applicable to the proposal.
S 79C(1)(a)(iii) the provisions of any development control plan
See discussion against the Perisher Range Resorts Master Plan under the Alpine SEPP in section A3.
S 79C(1)(a)(iiia) the provisions of any planning agreement
None are applicable to the proposal.
S 79C(1)(a)(iv) the provisions of any regulations
CI 92 of the EP&A Regulation 2000 – ➤ Demolition will need to be undertaken in accordance with AS 2601 <i>The demolition of structures</i> and this is reflected in the conditions contained in the original determination.
S 79C(1)(a)(v) any coastal zone management plan
The subject site is not within the coastal zone.

S 79C(1)(b) the likely impacts of that development

Context, setting and visual – The proposed modification does not result in an increase in any structures other than that originally approved.

Construction access, transport and traffic - Construction access is proposed via the existing access track joining with the Guthega Link road, and along the recently disturbed main trench line.

Public domain - The proposed modification will not adversely impact upon any public spaces.

Utilities and Energy – The lateral trench will include placement of conduits for electricity and optical fibre cabling.

Other Land Resources – The proposed modification is not envisaged to impact on any valuable land resources.

Water – None of the works proposed are within 40 metres of a watercourse.

Construction and Soils – See discussion below under cl 14(1)(g) of the Alpine SEPP.

Noise, Vibration, Air and Microclimate – The proposed modification does not propose or result in any changes in this regard.

Flora and fauna – The proposed location of the P13 snow gun will involve the removal of native heath vegetation at the new pit location, and the disturbance of native heath vegetation along the lateral trench line. The conditions contained in the modified Schedule 2 require that the sod replacement technique be employed along the trenchline. This means that the existing vegetation along this disturbance corridor will be reinstated upon completion of the works, and the only native heath vegetation to be permanently lost will be at the pit location, involving a total area of two metres by two metres. This is considered to be a very minor loss of heath vegetation which is acceptable given the heath planting offsets proposed as part of the original proposal.

Downslope of the new snow gun location, one mature snow gum, a dead snow gum trunk (without hollows), and approximately eight regenerating snow gums are proposed to be removed, along with some minor tree trimming of overhanging branches. A condition has been included in Schedule 2 requiring that the trees proposed to be removed are offset and the approved rehabilitation plan be amended to incorporate this.

Waste – The proposed modification does not propose or result in any changes in this regard.

Natural Hazards – See discussion below under cl 14(1)(f) of the Alpine SEPP.

Social and Economic Impact – The proposed modification does not propose or result in any changes in this regard.

Site Design and Internal Design – The new location of the snow gun has been set according to topography, predominant wind direction and skier safety.

Cumulative Impacts – The proposed modification does not propose or result in any changes in this regard. No additional structures are proposed.

S 79C(1)(c) the suitability of the site for the development
The site is considered suitable for the snow gun as: - it is located on the edge of the formed ski run to minimise the visual impact and ensure skier safety; - vegetation removal is minimal and will be offset; and - the location is appropriate from a geotechnical perspective.
S 79C(1)(d) any submissions made in accordance with the Act or the regulations
The application was not required to be placed on public exhibition and no submissions in this regard were therefore received.
S 79C(1)(e) the public interest
The proposal is considered in the public interest as it will improve the ski area for skiers.

A3 ENVIRONMENTAL PLANNING INSTRUMENTS

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

Cl 2 – Aim and objectives:
The proposal, as modified, will still be in accordance with the aim and objectives of the Alpine SEPP.
Cl 11 – Land use table
The land use table for the Perisher Range Alpine Resort provides that ‘snow-making infrastructure’ is permissible with consent.
Cl 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 under cl 2.
(b) the conservation of the natural environment and any measures to mitigate environmental hazards (including geotechnical hazards, bush fires and flooding,
The proposed modification does not propose or result in any changes in this regard. See discussion below in relation to geotechnical aspects.
(c) the cumulative impacts of development on existing transport, effluent management systems, waste disposal facilities or transfer facilities and existing water supply:
The proposed modification does not propose or result in any changes in this regard.
(d) any statement of environmental effects,
The SEE and additional information supplied are considered adequate to enable a full and proper assessment of the proposal.
(e) the character of the alpine resort,
The proposed modification does not propose or result in any changes in this regard. No additional structures are proposed.
(f) the Geotechnical Policy – Kosciuszko Alpine Resorts,
The applicant provided a geotechnical slope stability assessment to support the original development application. This assessment provides a number of recommendations and compliance with these is required as per the original determination.
The application for the proposed modification has been accompanied by an additional geotechnical assessment. This assessment concludes that the proposed modification will constitute minimal or no geotechnical impact on the site, and a number of further

<p>recommendations have been provided. Conditions have been included in Schedule 2 requiring compliance with these recommendations.</p>	
<p>(g) any sedimentation and erosion control measures,</p>	
<p>The proposed modification will need to be undertaken in accordance with the site environmental management measures as per the original determination.</p>	
<p>(h) if stormwater drainage works are proposed,</p>	
<p>No stormwater drainage works proposed.</p>	
<p>(i) any visual impact of the proposed development, particularly when viewed from the Main Range,</p>	
<p>The proposed modification does not propose or result in any changes in this regard. No additional structures are proposed.</p>	
<p>(j) any significant increase in activities, outside of the ski season,</p>	
<p>The proposed modification will not result in an increase in activities during or outside the ski season.</p>	
<p>(k) if the development involves the installation of ski lifting facilities,</p>	
<p>The proposed modification does not involve the installation of new ski lifting facilities.</p>	
<p>(l) if the development is proposed to be carried out in Perisher Range Alpine Resort:</p>	
<p>(i) the document entitled Perisher Range Resorts Master Plan...</p>	
<p>(ii) the document entitled Perisher Blue Ski Slope Master Plan...</p>	
<p>The proposed modification does not propose or result in any changes in this regard. No additional structures are proposed.</p>	
<p>(m) if the development is proposed to be carried out on land in a riparian corridor:</p>	
<p>The site is not located within riparian corridors.</p>	
<p>CI 17 – Development applications referred to the Department of Environment, Climate Change and Water (DECCW)</p>	
<p>The proposed modification was referred to the NSW Environment and Heritage (OEH) pursuant to cl 17(1) of the Alpine SEPP. Before determining an application, the consent authority is to take into consideration any comments made by the OEH within 28 days after that referral. This period ended on the 12 March 2012 and a response still has not been forthcoming from the OEH.</p>	
<p>CI 26 – Heritage conservation</p>	
<p>European Heritage</p>	<p>The proposal will not impact on any European heritage items.</p>
<p>Aboriginal Heritage</p>	<p>It is not envisaged that the proposed works will impact on any Aboriginal archaeological items. However, a condition is included in the original development consent requiring works to immediately cease should any Aboriginal objects be uncovered during construction.</p>