



**REPORT
DA 006-02-2012**

**Removal of the midstation of the Ridge
Quad Chairlift – 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 Development Application DA 006-02-2012 under the provisions of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and State Environmental Planning Policy (Kosciuszko National Park – Alpine Resorts) 2007 (Alpine SEPP). The application has been submitted by Perisher Blue Pty Ltd over land identified as the midstation of the Ridge Chairlift, Blue Cow.

The applicant seeks approval to remove the midstation which comprises Chairlift Tower 6A, an operator's hut and the steel unload platform. Since the installation of snowmaking on the Excelerator Ski Run, the midstation has become redundant.

On 23 February 2012, the DA was lodged with the Department in accordance with the *EP&A Act*. Under the provisions of the Alpine SEPP the Minister for Planning and Infrastructure is the Consent Authority for development in the NSW Alpine Resorts.

The key issues associated with the assessment of this application relate to the demolition processes and the potential impacts on native heath and vegetation.

The application was referred to the Office of Environment and Heritage (OEH) in accordance with cl 17 of the Alpine SEPP. The OEH did not provide any comments within 28 days to be considered by the Department.

The application has been assessed in accordance with the provisions of the Alpine SEPP and the matters for consideration under section 79C(1) of the EP&A Act. Assessment of the application indicates that the proposed development accords with the relevant planning instruments and would not result in any significant environmental impact subject to the conditions of consent. Environmental gains and skiers safety benefits would result from removal of redundant infrastructure. Economic gains would be achieved as the redundant infrastructure will not require any maintenance. Accordingly, the application is recommended for **approval** subject to conditions (**Refer to Schedule 2 – Conditions of Consent**).

2. BACKGROUND

2.1. Site Context

The subject site is known as the midstation of the Ridge Quad Chairlift at Blue Cow in the Perisher Range Resort. The midstation is located approximately one third of the way up the lift line from the base station and is situated in terrain which slopes from south to north. Whilst there are some sections of native heath in the vicinity, the midstation and surrounds comprise mostly of exotic grasses. Access to the site is from an existing track from the bottom of Zali's Ski Run across an area known as Easy Way Out. The site is visible from parts of the Link Road but is not visible from the Main Range.

3. THE PROPOSED DEVELOPMENT

The Ridge Quad Chairlift serves the eastern portion of the Blue Cow precinct within the Perisher Range Alpine Resort with the midstation situated approximately one third of the way up the lift line from the base station. The proposed development includes removing the redundant midstation infrastructure including Chairlift Tower 6A, an operator's and the steel framed unload platform. Total cost of works is estimate to be \$2,500.

4. STATUTORY FRAMEWORK

4.1. **Statement of Permissibility**

The subject site is within Perisher Range Resorts in the Kosciuszko National Park. The proposal is permissible with consent under the provisions of the Alpine SEPP.

4.2. **Instrument of Consent**

The Alpine SEPP is the relevant instrument of consent. The proposal complies with the Alpine SEPP.

4.3. **Other statutory provisions**

Other Plans and Policies include the Department of Planning's Geotechnical Policy – Kosciuszko Alpine Resorts.

The proposal complies with this relevant statutory provision. An assessment of the proposal against the provisions of the Environmental Planning Instruments and other statutory provisions is outlined in Appendix 1 of this report.

5. CONSULTATION

5.1 **Public consultation**

The development is classed as local development. There is no significant impact to the surrounding environment. Public consultation was not considered necessary.

5.2 **Referrals**

5.2.1 ***Office of Environment and Heritage (OEH) (per cl.17 of the Alpine SEPP)***

The application was referred to the OEH in accordance with cl 17 of the Alpine SEPP. The OEH did not provide any comments within 28 days to be considered by the Department.

6 CONSIDERATION

6.1 **Section 79C 'Matters for Consideration' of the Environmental Planning & Assessment Act, 1979**

In determining a development application, a consent authority must take into consideration such of the matters referred to in section 79C(1) of the *EP&A Act* as are of relevance to the development. In accordance with this provision, the following matters are required to be assessed:

(a) ***Section 79C (1) (a) – Environmental Planning Instruments, Development Control Plans etc***

The environmental planning instruments, draft environmental planning instruments, development control plans and the *Regulations* applicable to the land to which the development application relates, as outlined in Section 4 of this Report, are assessed in relation to this proposal in Appendix 1 of this report.

The key issues identified in the assessment of the Alpine SEPP were potential impact on nearby native heath and the appropriate rehabilitation of the site. It is recognised that the applicant has addressed soil & water management in the SEE & SEMP, by proposing best environmental works practice and implementing suitable mitigation measures. The applicant submitted information in regard to rehabilitation of the site. This information was considered adequate to ensure appropriate rehabilitation of the area.

Conditions are included in the consent in regard to minimising potential erosion and sedimentation from the works. Rehabilitation of the site will be undertaken once the demolition and removal works have been completed.

The Department is satisfied, subject to the conditions of consent, that potential erosion and sedimentation would be minimised. It is considered that the proposal is consistent with the provisions of the Alpine SEPP.

(b) Section 79C (1) (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 matters generally considered within the provisions of section 79C(1)(b) of the EP&A Act concerning the 'likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality' are assessed in Appendix 1 of this report.

In summary, the **Environmental impacts on natural & built environments** are considered acceptable with appropriate conditions to mitigate the potential adverse impacts and the **Social and Economic impacts in the locality** are also considered acceptable.

(c) Section 79C (1) (c) – Suitability of the Site

The suitability of the site has been assessed in Appendix 1 of the report. The proposed development is considered suitable for the subject site and is consistent with the objectives of the Alpine SEPP. The proposed works will be undertaken within the existing disturbed areas of the site. Damage to nearby native heath will be minimised. Rehabilitation will be undertaken once the works are completed.

(d) Section 79C (1) (d) – Submissions

The application is considered to present minimal impact on the natural environment and will have no impact on other structures.

(e) Section 79C (1) (e) – Public Interest

The proposed development is considered to be consistent with the aims and objectives of the Alpine SEPP and will allow for operational improvements and environmental benefits which will benefit the public interest.

7. CONCLUSION

This application has been assessed pursuant to Section 79C of the *Environmental Planning and Assessment Act, 1979* and *State Environmental Planning Policy (Kosciuszko National Park – Alpine Resorts) 2007*. Assessment of the application reveals the proposed development complies with the aims and objectives of the Alpine SEPP and the matters for consideration. Assessment of the application demonstrates the proposed development would not have an unreasonable impact on the local environment subject to the conditions of consent (refer to Schedule 2). Environmental and economical efficiencies will result from the proposal eliminating redundant ski slope infrastructure. On balance, it is considered that the proposed development is acceptable, subject to the conditions of consent and is recommended for approval.

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 section 23 of the Environmental Planning and Assessment Act. This exercise of delegations is considered to be appropriate in accordance with the adopted delegation guidelines, 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 Instrument of Delegation dated (14 September, 2011) pursuant to Section 80(1)(a) of the *Environmental Planning and Assessment Act 1979* and State Environmental Planning Policy (Kosciuszko National Park – Alpine Resorts) 2007:

- (i) Grant consent to DA 006-02-2012 for the removal of the midstation of the Ridge Quad Chairlift at Blue Cow subject to the conditions of consent (**refer to Schedule 2**);
- (ii) Sign and date the Notice of Determination for DA 006-02-2012 (**refer to Notice of Determination**);

Prepared by:



5.4.12.

Scott Reid
Senior Building Surveyor
(Alpine Resorts Team)

Approved by:



13/4/2012

Daniel James
Team Leader
Alpine Resorts Team
Determined as Delegate of the Minister for Planning

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):

Integration Principle – The social, environmental and economic impacts of the proposal are considered acceptable subject to the conditions of consent. The development would improve Resorts operations by removing redundant ski slope infrastructure. The environmental impacts of the development would be appropriately mitigated as discussed in this report. The proposal as recommended for approval will not compromise benefits or opportunities to others.

Precautionary Principle – This assessment is supported by technical and environmental reports which conclude that the proposal's impacts can be successfully mitigated. No irreversible or serious environmental impacts have been identified. The applicant has demonstrated that suitable demolition and mitigation measures will be implemented to minimise any associated environmental impacts. No significant climate change risks are identified as a result of this proposal.

Inter-Generational Principle – The proposal to remove redundant ski slope infrastructure incorporates ecologically sustainable principles and implementation of environmental management practices will be employed during construction to ensure that the environment is protected for future generations.

Biodiversity Principle – There is no threat of serious or irreversible environmental damage as a result of this proposal. The proposal does not impact upon biological diversity or ecological diversity. The site is located within the ski fields of Perisher Range Resorts and is currently being used for skiing and snow boarding each winter season.

Valuation Principle – The proposal would result in the elimination of a redundant ski slope infrastructure and will add to skier experience and safety.

A2 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

Objects

The objects of the EP&A Act provide an overarching framework that informs the purpose and intent of the legislation and gives guidance to its operation. The consideration and determination of a development application under Part 4 must be informed by the relevant provisions of the EP&A Act, consistent with the objects.

On balance, the proposed development is acceptable as there would be minimal impacts to native vegetation and threatened species habitats, subject to the conditions of consent. Overall the development application would allow for improvements in skier experience and safety along with operational efficiencies. The Department has considered the Objects of the Act in the assessment of this application.

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
No development control plans apply to the Perisher Range Resorts and therefore the subject site. The Master Plans have been considered in accordance with 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
Cl.92 of the EP& A Regulation – the proposal involves demolition and is required to comply with AS 2601.
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
<p><u>Context and setting</u> – The removal of the midstation will not impact on the landscape or the context and setting of the locality.</p> <p><u>Access, traffic and parking</u> – The applicant has indicated that access to the site is via an established access track from the base of Zali’s ski run. The proposed access arrangements are satisfactory.</p> <p><u>Public domain</u> – The removal of the redundant ski slope infrastructure will improve the public domain public spaces in the locality.</p> <p><u>Utilities and energy</u> – The proposal involves demolition and removal only. There will be no impacts to utilities and energy.</p> <p><u>Heritage</u> – There are no known European heritage or Aboriginal cultural heritage impacts associated with the proposal.</p> <p><u>Other land resources</u> – The proposal will not impact on any valuable land resources.</p> <p><u>Water</u> – The proposal includes site environmental management measures that will be implemented during construction to ensure that there is no sedimentation of any waterways during construction.</p> <p><u>Soils</u> – The proposal includes site environmental management measures that will be implemented during demolition to prevent erosion and control sediment during construction. Conditions in this regard are included in Schedule 2.</p> <p><u>Noise, vibration, air and microclimate</u> – Impacts in this regard will be small-scale and short-term during demolition and involve primarily noise, dust and vehicle emissions. Machinery that will be used includes a 14 tonne excavator, a 16 tonne crane, and 4WD vehicles. There are no neighbouring lodges that will be adversely impacted.</p> <p><u>Flora and fauna</u> – The Department’s assessment of the subject proposal reveals that there would be no significant impact to flora and fauna as a result of the works. The applicant has</p>

outlined appropriate mitigation measures outlined in the SEE and SEMP. Rehabilitation of the site will be undertaken at the completion of the works. Conditions of consent have been included to address these issues.

Waste – The applicant is proposing to reuse some of the materials that are removed from the site e.g. the operators hut. Waste generated during demolition will be taken to Jindabyne land fill.

Contamination – There are no known sources of contamination at the site.

Natural hazards – There are no known natural hazards that would affect the demolition and removal of the midstation.

Social and economic impact – The development would be of benefit to those employed in its construction and more significantly will have positive economic impact on skier experience and safety. Negative impacts would be short term during demolition. Although the work would occur in the construction period (summer and autumn) when visitation is lower.

Cumulative Impacts – There are no cumulative impacts associated with the proposal.

S 79C(1)(c) the suitability of the site for the development

The site is considered suitable for the proposal given it has previously been disturbed and already contain lifting infrastructure.

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.

S 79C(1)(e) the public interest

The proposal is considered in the public interest as it will improve services for skiers without any adverse environmental impacts.

A3 ENVIRONMENTAL PLANNING INSTRUMENTS

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

Cl 2 – Aim and objectives:

The proposed development is consistent with the aims and objectives of the Alpine SEPP in that the proposed development:

- will not have significant impacts to native flora and fauna or habitat areas, subject to the conditions of consent and appropriate rehabilitation; and
- allows for environmental efficiencies by eliminating redundant ski slope infrastructure.

Cl 11 – Land use table

The land use table for the Perisher Range Alpine Resort specifies that 'Lifting facilities' is permissible with consent. Demolition is also 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 works will have minimal impacts to native vegetation subject to the conditions of consent and does not conflict with the conservation of the natural environment objectives

for the locality. These are no other known environmental hazards associated with the site.
(c) the cumulative impacts of development on existing transport, effluent management systems, waste disposal facilities or transfer facilities and existing water supply:
The proposal will not influence the number of people visiting the Resort or impact on the provision of services.
(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 proposal would not have any long term adverse effect on the character of the resort as it is expected with appropriate rehabilitation of the site the area would retain its existing character.
(f) the Geotechnical Policy – Kosciuszko Alpine Resorts,
The only development policy that applies under the Alpine SEPP is the Department of Planning’s Geotechnical Policy – Kosciuszko Alpine Resorts. The proposal comprises the removal of redundant ski slope infrastructure which will not have any geotechnical implications.
(g) any sedimentation and erosion control measures,
The applicant has submitted a SEMP which is considered appropriate for the proposed works. The conditions in Schedule 2 reinforce the requirement of sedimentation and erosion control measures during construction.
(h) if stormwater drainage works are proposed,
No stormwater drainage works proposed.
(i) any visual impact of the proposed development, particularly when viewed from the Main Range,
The proposed site is visible from the Link Road but will not result in detrimental visual impact. The works would disturb introduced vegetation however, the work practises outlined will minimise any further disturbance and visual impact will be minimal. The site is not visible from the Main Range. Overall the visual impacts will improve as a result of the proposed works.
(j) any significant increase in activities, outside of the ski season,
The proposal will not result in an increase in activities during the ski season, or outside the ski season.
(k) if the development involves the installation of ski lifting facilities,
The proposal does not involve the installation of new ski lifting facilities.
(l) if the development is proposed to be carried out in Perisher Range Alpine Resort:
(i) the document entitled Perisher Range Resorts Master Plan...
(ii) the document entitled Perisher Blue Ski Slope Master Plan...
The development is proposed within Perisher Range Resorts and the <i>Perisher Blue Ski Resort Ski Slope Master Plan</i> applies to the site and proposed development. The proposal is not inconsistent with this Master Plan.
The development is outside the scope of the Perisher Range Resorts Master Plan.
(m) if the development is proposed to be carried out on land in a riparian corridor:

NA	
CI 17 – Development applications referred to the Department of Environment, Climate Change and Water (DECCW)	
The application was referred to the Office of Environment and Heritage (OEH) in accordance with cl 17 of the Alpine SEPP. The OEH did not provide any comments within 28 days to be considered by the Department.	
CI 26 – Heritage conservation	
European Heritage	The proposal will not impact on any European heritage items.
Aboriginal Heritage	The proposal will not impact on any Aboriginal heritage items.