

4. KEY MATTERS FOR CONSIDERATION

4.1 Fauna and Flora

The proposed works will be predominantly located on a man-made earth mound and across the gravel within the existing storage area.

The subject site has therefore been previously highly disturbed and has been subject to planting undertaken by Lake Crackenback Resort shown in Figure 13 below.



Figure 13: Trees and shrubs planted by Lake Crackenback Resort

By locating the fence on top of the earth mound to achieve maximum screening outcome it will require the removal of one small *Eucalyptus stellulata* (Black Sallee) and two *Pimelea ligustrina* (heath shrubs). Although this tree and plants have been either planted or naturally recruited LCR will undertake further plantings once the fence has been completed to further assist with screening.

The tree and heath being removed are not identified as Threatened Species or form part of an Endangered Ecological Community. The plants proposed to be removed are shown in photos below:



Figure 14: *Pimelea ligustrina* to be removed



Figure 15: *Eucalyptus stellulata* to be removed.

4.2 Aboriginal Cultural Heritage

The fence will be set down approximately 0.5m into the ground and will predominantly be constructed on top of the existing man-made earth mound that surrounds the storage area on the north eastern and south eastern sides. Given that this mound incorporates fill it would have no Aboriginal Heritage value. The part of the fence that is not constructed on the earth mound will be on gravel within the highly disturbed storage area. Therefore no further assessment in relation to Aboriginal Heritage is required.

4.3 Visual Impacts

The fence will be screened by existing vegetation on all sides except the eastern side.

On the eastern side it is considered that the fence will have a positive impact on the visual amenity of the area as it will screen the equipment and materials stored by Perisher. The fence will be backed with shade cloth to improve its screening properties and this will also help the fence blend into the surrounding vegetation. The purpose of the development is to address concerns raised by Lake Crackenback Resort (LCR) and the resort has been consulted on the construction materials.

The proposed fence will not be visible from Skitube or the Skitube terminal.

5. ENVIRONMENTAL AND PLANNING LEGISLATION

5.1 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979

5.1.1 SECTION 79C(1)(a)(i) – ENVIRONMENTAL PLANNING INSTRUMENTS

The only applicable Environmental Planning Instrument to the proposed development and site is State Environmental Planning Policy (Kosciuszko National Park – Alpine Resorts) 2007 (SEPP Alpine Resorts). The relevant clauses contained within SEPP Alpine Resorts are addressed below:

Clause 11 - Land Use Table:

The land use table for Bullocks Flat specifies that 'infrastructure facilities' are permitted with consent. The proposed development is for the erection of a fence around the storage compound adjacent to the sewerage treatment plant and as an ancillary structure it is permissible with consent.

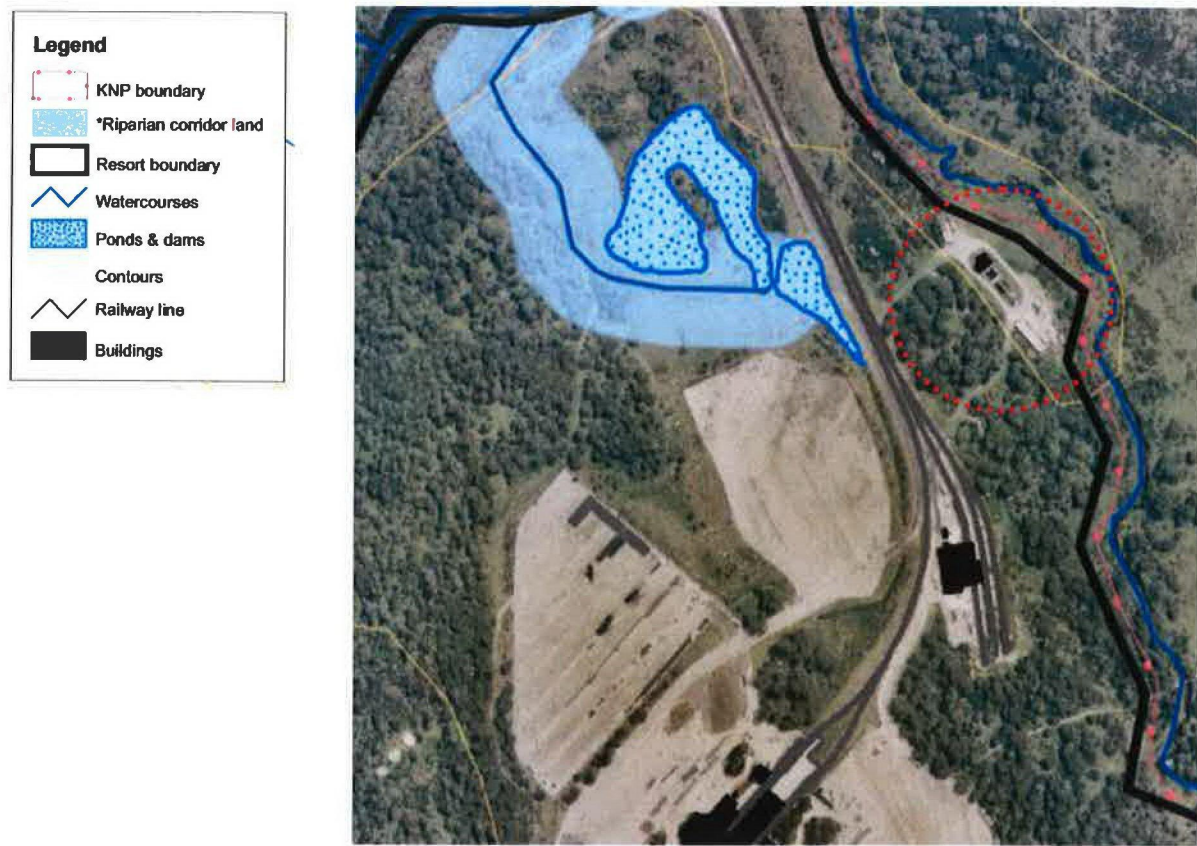
Clause 14 - Matters for consideration:

Matter for Consideration	Response
Cl.14 (1) In determining a development application that relates to land to which this Policy applies, the consent authority must take into consideration any of the following matters that are of relevance to the proposed development:	
(a) the aim and objectives of this Policy, as set out in clause 2,	<i>The proposed fence will result in minimal disturbance to the natural environment and is required to improve the visual amenity of the area and is therefore considered to achieve compliance with the objectives set out in clause 2.</i>
(b) the extent to which the development will achieve an appropriate balance between the conservation of the natural environment and any measures to mitigate environmental hazards (including geotechnical hazards, bush fires and flooding),	<i>The proposed fence does not require any measures to mitigate environmental hazards that would impact on the conservation of the natural environment.</i>

<p>c) having regard to the nature and scale of the development proposed, the impacts of the development (including the cumulative impacts of development) on the following:</p> <ul style="list-style-type: none"> (i) the capacity of existing transport to cater for peak days and the suitability of access to the alpine resorts to accommodate the development, (ii) the capacity of the reticulated effluent management system of the land to which this Policy applies to cater for peak loads generated by the development, (iii) the capacity of existing waste disposal facilities or transfer facilities to cater for peak loads generated by the development, (iv) the capacity of any existing water supply to cater for peak loads generated by the development, 	<p><i>The proposed fence will not generate any additional demand on the capacity of the existing transport, reticulated effluent management system, existing waste disposal facility or existing water supply system at Bullocks Flat.</i></p>
<p>(d) any statement of environmental effects required to accompany the development application for the development,</p>	<p><i>This Statement of Environmental Effects satisfies this sub-clause.</i></p>
<p>(e) if the consent authority is of the opinion that the development would significantly alter the character of the alpine resort—an analysis of the existing character of the site and immediate surroundings to assist in understanding how the development will relate to the alpine resort,</p>	<p><i>The character of Bullocks Flat and the Skitube facility would not be significantly altered by the proposed fence as it will be erected around an existing storage compound.</i></p>
<p>(f) the Geotechnical Policy—Kosciuszko Alpine Resorts (2003, Department of Infrastructure, Planning and Natural Resources) and any measures proposed to address any geotechnical issues arising in relation to the development</p>	<p><i>The subject site is flat and the proposed development is for a chain wire fence. The development therefore represents a negligible Geotechnical risk.</i></p> <p><i>Notwithstanding this, and although the site is not located within the G line, Perisher has engaged JK Geotechnics to prepare a Form 4 – Minimal Impact Certification which has been provided separately.</i></p>

<p>(g) if earthworks or excavation works are proposed—any sedimentation and erosion control measures proposed to mitigate any adverse impacts associated with those works,</p>	<p><i>Minor excavation works are required for the footings for the fence posts. The spoil to be excavated and removed is very small given that the fence posts are no larger than 60mm in diameter and the excavation less than 0.5m deep. Each footing is likely to only generate approximately 0.045m³ of spoil which will be removed where located on an impervious surface or left in-situ where the surface is pervious. The total spoil removed for all the fence posts will be in the order of 2m³ which is negligible. Individual erosion and sediment controls for each fence post is therefore considered impractical and unnecessary.</i></p>
<p>(h) if stormwater drainage works are proposed—any measures proposed to mitigate any adverse impacts associated with those works,</p>	<p><i>Not applicable.</i></p>
<p>(i) any visual impact of the proposed development, particularly when viewed from the Main Range,</p>	<p><i>The fence will be screened by existing vegetation on all sides except the eastern side. The visual impact of the fence from the eastern side will result in an improved visual amenity for visitors to LCR by screening the view of the unsightly storage area.</i></p> <p><i>The proposed fence will not be visible from the Skitube or the Skitube Terminal.</i></p> <p><i>The proposed fence will not be visible from the Main Range or from the Alpine Way.</i></p>
<p>(j) the extent to which the development may be connected with a significant increase in activities, outside of the ski season, in the alpine resort in which the development is proposed to be carried out,</p>	<p><i>The proposed development will not increase any activity outside of the ski season.</i></p>
<p>(k) if the development involves the installation of ski lifting facilities and a development control plan does not apply to the alpine resort:</p> <p>(i) the capacity of existing infrastructure facilities, and</p> <p>(ii) any adverse impact of the development on access to, from or in the alpine resort,</p>	<p><i>The development does not involve the installation of a ski lift.</i></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, as current at the commencement of this Policy, that is deposited in the head office of the Department, and</p> <p>(ii) the document entitled Perisher Blue Ski Resort Ski Slope Master Plan, as current at the commencement of this Policy, that is deposited in the head office of the Department,</p>	<p><i>The proposed fence is located at Bullocks Flat which is not subject to either the Perisher Master Plan or Perisher Blue Ski Resort Ski Slope Master Plan.</i></p>
<p>(m) if the development is proposed to be carried out on land in a riparian corridor:</p> <p>(i) the long term management goals for riparian land, and</p> <p>(ii) whether measures should be adopted in the carrying out of the development to assist in meeting those goals.</p>	<p><i>The proposed fence is approximately 22m from Little Thredbo River to the east.</i></p> <p><i>In accordance with the Bullock's Flat SEPP (Alpine Resorts) 2007 map this creek is not mapped as a riparian corridor (see extract of map below).</i></p> <p><i>Given that the fence footings are located within a highly disturbed area comprising predominantly of a man made earth mound and are approximately 0.5m deep these works are of such a minor nature that they would have no impact on the riparian corridor.</i></p> <p><i>Correspondence with the NSW Office of Water (refer to email from David Zerafa on the 23.10.14 in Appendix C) has confirmed that due to the minor nature of the fence and its footings, its location and proximity to the river, a Controlled Activity Approval is not required.</i></p>
<p>(2) The long term management goals for riparian land are as follows:</p>	
<p>(a) to maximise the protection of terrestrial and aquatic habitats of native flora and native fauna and ensure the provision of linkages, where possible, between such habitats on that land.</p> <p>(b) to ensure that the integrity of areas of conservation value and terrestrial and aquatic habitats of native flora and native fauna is maintained,</p> <p>(c) to minimise soil erosion and enhance the stability of the banks of watercourses where the banks have been degraded, the watercourses have been channelised, pipes have been laid and the like has occurred.</p>	<p><i>Not applicable.</i></p>
<p>(3) A reference in this clause to land in a riparian corridor is a reference to land identified as being in such a corridor on a map referred to in clause 5.</p>	



*Figure 16: Bullocks Flat Map showing riparian corridor land
[source: State Environmental Planning Policy (Kosciuszko National Park – Alpine Resorts) 2007]*

5.1.2 SECTION 79C(1)(a)(ii) – DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS

There are no draft Environmental Planning Instruments that are applicable to the site or proposed development.

5.1.3 SECTION 79C(1)(a)(iii) – DEVELOPMENT CONTROL PLANS

There are no Development Control Plans applicable to the Kosciuszko Alpine Resorts under State Environmental Planning Policy (Kosciuszko National Park – Alpine Resorts) 2007.

5.1.4 SECTION 79C(1)(a)(iiiia) – PLANNING AGREEMENTS

There are no Planning Agreements applicable to the Kosciuszko Alpine Resorts under State Environmental Planning Policy (Kosciuszko National Park – Alpine Resorts) 2007.

5.1.5 SECTION 79C(1)(a)(iv) – REGULATIONS

The development application has been made in accordance with the requirements contained in Clause 50(1A) of the Environmental Planning and Assessment Regulation 2000.

5.1.6 SECTION 79C(1)(b) – LIKELY IMPACTS

Natural Environment:

The fence will be constructed on top of an existing man made earth mound which was constructed from fill. At approximately 1100 metres above sea level in the Thredbo Valley, the proposed site is in a physiographic ecotone between the Tableland and Montane Zone's therefore representative of common vegetation found throughout the Valley, including the adjacent Lake Crackenback Resort where large scale clearing and development has occurred and where no significant fauna or flora has been previously identified.

Impacts on the natural environment are expected to be minimal as the fence will be located to ensure that impacts on the existing vegetation are minimised, with the fence to be located on top of the earth mound and between trees requiring the removal of the minimum number of plants.

Given that the fence posts represent the only development footprint (each being about 0.01m² in size) the impacts from the erection of the fence is expected to be negligible.

To ensure these impacts are further minimised, a Site Environmental Management Plan has been prepared and is provided in Appendix A.

Built Environment

Impacts on the built environment are also expected to be minimal as the site is an industrial type facility where fences are expected and required to be installed.

Social and Economic impacts in the locality:

The positive social impacts will include improved visual amenity of the site from the neighbouring Lake Crackenback resort. The development is being carried out at the resort's request.

The economic impacts of the development are positive with short term construction jobs created.

5.1.7 SECTION 79C(1)(c) – SUITABILITY OF THE SITE

The subject site is utilised as storage area for the Skitube rack railway system. The subject site, being a railway facility is considered suitable to accommodate a fence as proposed.

5.1.8 SECTION 79C(1)(d) – SUBMISSIONS

Not applicable.

5.1.9 SECTION 79C(1)(e) – THE PUBLIC INTEREST

The above assessment has demonstrated that the proposal satisfies the objectives and relevant clauses prescribed under State Environmental Planning Policy (Kosciuszko National Park – Alpine Resorts) 2007.

The fence will improve the visual amenity of the site. The development is considered to be within the public interest.

6. CONCLUSION

The proposed development has been considered in regard Section 79C of the EP&A Act, 1979 and State Environmental Planning Policy (Kosciuszko National Park – Alpine Resorts) 2007.

The proposal has been found to be consistent with the above legislation and Environmental Planning Instrument, as detailed in the above report.

The impacts on the natural environment are expected to be minimal given the small development footprint associated with the fence, the small number of plants requiring removal and the nature of the surrounding vegetation as well as the existing and future plantings to be undertaken by Lake Crackenback Resort.

On balance, the proposed fence will generate positive social and economic impacts for the area with minimal impacts on the natural and built environment.