



Snowmaking Machine, Smiggin Holes

Development Application Assessment
DA 8637

June 2022

Published by the NSW Department of Planning and Environment

dpie.nsw.gov.au

Title: Snowmaking Machine, Smiggin Holes

Subtitle: Development Application Assessment, DA 8637

Cover image: Main Range, Kosciuszko National Park (Source: Alpine Resorts Team)

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Glossary

Abbreviation	Definition
BCA	Building Code of Australia
BC Act	<i>Biodiversity Conservation Act 2016</i>
BC Regulation	<i>Biodiversity Conservation Regulation 2017</i>
BVM	Biodiversity Values Map
Consent	Development Consent
CPP	Community Participation Plan
Department	Department of Planning and Environment
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
EPI	Environmental Planning Instrument
ESD	Ecologically Sustainable Development
KNP	Kosciuszko National Park
Minister	Minister for Planning
NPWS	National Parks and Wildlife Service (formerly known as Office of Environment and Heritage)
Planning Secretary	Secretary of the Department of Planning and Environment
SEPP	State Environmental Planning Policy

Executive Summary

This report provides an assessment of a Development Application (DA 8637) lodged by Perisher Blue Pty Ltd (the Applicant) seeking approval for the installation of a snowmaking machine (Snowfactory) adjacent to the Kaaten Triple Chairlift, associated works to the existing top station Kaaten Triple Chairlift (lift operator and access stair locations) and installation of a new transformer to provide power to the new facility at Smiggins Holes, Perisher Range Alpine Resort within Kosciuszko National Park (KNP).

The Snowfactory is a shipping container size facility that generates icicles which are then pumped to designated areas to create a base for natural snow to fall upon. This is a different snowmaking technology utilised by ski resort operators when compared to the previous pipelines (air and water) to snow guns seen throughout resorts.

On 1 March 2022, the *State Environmental Planning Policy (Kosciuszko National Park-Alpine Resorts) 2007* (the Alpine SEPP) was consolidated into the *State Environmental Planning Policy (Precincts - Regional) 2021* (known as Precincts - Regional SEPP in this report). The SEPP consolidation is administrative. No policy changes have been made.

The Minister for Planning is the consent authority for development within a ski resort in KNP and the proposal is permissible with consent under the provisions of Chapter 4 of the Precincts – Regional SEPP.

The Department exhibited the application from 25 July 2017 until 8 August 2017 on the NSW Planning Portal website, at its Jindabyne Office (Shop 5A, 19 Snowy River Avenue, Jindabyne) and at NSW Service Centres, in accordance with the Departmental Exhibition Policy in effect at that time.

The application was also exhibited to all lodges within Smiggin Holes, sent to the Perisher Chamber of Commerce and SLOPES (Ski Lodges Organisation of Perisher Smiggins and Guthega) and forwarded to the (former) Office of Environment and Heritage (OEH), now the National Parks and Wildlife Service (NPWS) pursuant to section 4.15 of the Precincts – Regional SEPP. The Department received a submission from the NPWS. No submissions from the public were received.

The Department has assessed the proposal in accordance with relevant matters under section 4.15(1) and the objects of the *Environmental Planning and Assessment Act, 1979* (EP&A Act), the principles of Ecologically Sustainable Development, and issues raised in all submissions.

Based on a merit assessment of the application, the Department considers the proposal is acceptable as:

- the proposal is permissible with consent under Chapter 4 of the Precincts – Regional SEPP
- the removal of salt and / or other additives in the operation of the machine ensures that there will not be a significant impact on any threatened species, populations or ecological communities and the natural environment and cultural values associated with KNP are protected
- construction impacts are acceptable with the inclusion of requirements to ensure impacts are minimised
- the proposal is appropriate as it has beneficial outcomes for snowmaking at Smiggin Holes, consistent with the Perisher Blue Ski Slope Master Plan for Smiggin Holes
- the works are consistent with the regional plan for the locality and the Precincts – Regional SEPP and supports visitation to the ski resorts

- the recommended conditions would require construction impacts to be minimised having regard to the existing native vegetation, all disturbed areas to be rehabilitated following construction and an environmental officer to monitor construction works

The Department's assessment concludes the application is in the public interest as it provides a significant capital investment into the resort by modernising snowmaking infrastructure and improving access to ski runs, which would lead to overall improved visitor experiences that supports the regional plan for the locality and maintains its consistency with Chapter 4 of the Precincts – Regional SEPP.

The Department therefore recommends the application be approved subject to conditions.

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1 Introduction

1.1 The Department's assessment

This report contains the Department's assessment of Development Application (DA 8637) at Smiggin Holes, Perisher Range Alpine Resort within KNP.

Perisher Blue Pty Ltd (the Applicant) is seeking development consent for the installation of a snowmaking machine (Snowfactory), adjacent to the Kaaten Triple Chairlift. As a result of the installation, the existing lift operator and access stair locations at the existing top station Kaaten Triple Chairlift would need to be altered and a new transformer to provide power to the new facility installed (**Figure 1**).



Figure 1 | Location of site (circled) adjoining top station of the Kaaten Triple Chairlift in context of Smiggin Holes ski area, carpark and lodges (Source: SIX Maps 2021)

The Department's assessment considers all documentation submitted by the Applicant, including the Statement of Environmental Effects (SEE), additional information and submissions from government authorities. The Department's assessment also considers the legislation and planning instruments relevant to the site and the development.

This report describes the development, surrounding environment, relevant strategic and statutory planning provisions and the issues raised in submissions. The report evaluates the key issues associated with the development and concludes that the development is in the public interest and should be approved, subject to conditions.

1.2 Site location and context

The subject site is located at Smiggin Holes within Perisher Range Alpine Resort, KNP. Smiggin Holes provides beginner and intermediate skiing, while also catering for ski schools. Tourist accommodation lodges are provided to the south and east of the ski slopes, on the opposite side to the ski slopes. An existing car parking area utilised for day visitors and buses is a key component between accommodation areas and the ski slopes.

The development is proposed to be located on the eastern side, and directly adjacent, to the Kaaten Triple Chairlift top station (**Figure 2**). The site is generally disturbed ski slope, while numerous threatened species and ecological communities, some of which are Endangered Ecological Communities (EEC), occur to the edge of the ski runs.



Figure 2 | Location of facility adjacent to the Kaaten Triple Chairlift top station (Source: Applicant's documentation)

1.3 Application history and timeline

Table 1 below provides a timeline between when the application was received and now being resolved, with information provided and discussions held between the Applicant, the Department and NPWS. The table also identifies when the issue of salt and / or other additive being used within the Snowfactory was first raised and then ultimately withdrawn from the proposal.

Table 1 | Timeline discussion

Timeline	Discussion
July 2017	The Applicant lodged the original Snowfactory application with the Department. The application contained no references to the use of salt and / or another additive.
31 July 2017	NPWS provided comments on the submitted application – see Section 5 .
September 2017	During consideration of the application, the Applicant indicated that a small quantity of salt would need to be used on a daily basis (to increase the conductivity of the water to ensure that the facility operates efficiently and for suitable ice crystals to be formed). Salt to be added at a rate of 21.9 kg per day (however NPWS were of the view that 56.16 kg per day would be required).
October 2017	Additional information was provided by the Applicant to address the extent of salt usage within the Snowfactory and a general comment provided on salt usage within the resorts. The Department and NPWS reviewed this information.
November 2017	Department advised rates of salt based on further review of submission. In addition, consideration of water quality / soil quality monitoring requirements and potential conditions to be imposed should the application be approved.
December 2017 and March 2018	NPWS provided additional commentary on soil and water quality issues, and future monitoring plan requirements.
May 2018	Department and NPWS discuss the proposal including any potential for monitoring requirements, including prior to operation and post operation.
July 2020	The Department sought clarification from the Applicant whether salt was still proposed and whether any testing has occurred or is likely to occur. The Applicant provided correspondence to the Department confirming that salt is still proposed for use within the Snowfactory (due to the water being utilised) and that no additional testing has occurred within the area to show existing levels (apart from that which NPWS has undertaken).
27 August 2020	The Department wrote to the Applicant seeking the application be withdrawn given the length of time the application has been submitted without any resolution and

that current supporting documents do not address the use of salt as an additive or provide any assessment of potential impacts.

15 September 2020	The Applicant responded to the Department's request and proposed that rather than withdraw the application, the application should be determined on the basis that salt and / or other additives are not used as part of the snowmaking system.
January 2021	<p>Following a review of the 15 September 2020 request the NPWS advised that:</p> <ul style="list-style-type: none">• as no additional studies were received and noting the request from the Applicant, the NPWS recommends that a consent condition be included that no salt or other chemical or biological additive is to be used• a condition of consent is to be included that any leasing or licencing approval must be obtained prior to commencement of works (noting that the Snowfactory is not a permitted use under the Consolidated Mountain Lease held between the Applicant and NPWS)
June 2021	Following additional discussions between the Applicant and NPWS, the NPWS revised their comments and advised that the Snowfactory is a permitted use under the Consolidated Mountain Lease.

As a result of the above and noting the permissible usage of the Snowfactory within the Consolidated Mountain Lease, the Department is able to determine the application (incorporating the exclusion of the use of salt and / or other additives).

2 Project

The development seeks approval for the following works:

- construction of a concrete slab and installation of a Snowfactory and transformer
- alterations to the existing Kaaten Triple Chairlift Top Station
- trenching to connect the proposal to nearby services and rehabilitation of the site

To facilitate the operation of the Snowfactory, the Applicant states that the approved trenching and services (yet to be installed) that formed part of DA 6918 (Stage 1 snowmaking) for water and power are required. These trenching / services are within close proximity of the existing Top Station of the Kaaten Triple Chairlift.

The proposal has an estimated cost of works of approximately \$1.7 million.

2.1 Snowmaking infrastructure and transformer

The proposed development includes the installation of a Snowfactory, as follows:

- construction of a reinforced concrete slab and retaining structure - dimensions 14.45 metres x 4.6 metres, on grade at western end while being 2.24 metres above ground level on eastern end
- installation of a Snowfactory (example **Figure 3**) onto the concrete slab consisting of two shipping containers and associated plant equipment (overall dimensions of 12.192 metres long x 2.35 metres wide (excluding the external staircase) and a height of 8.532 metres)

The facility typically contains temperature regulated components, fans, refrigerated cylinders and refrigerants in order to create snow icicles that are pumped out onto the ski slopes.

- installation of a pad mounted transformer to reduce power from 11kV to 415v



Figure 3 | Example of a Snowfactory at Mount Buller (Source: Applicant's documentation)

The Applicant (via TechnoAlpin documentation) comments that a Snowfactory works via:

'The water is cooled to the freezing point through an efficient heat exchanger with an advanced and proven cooling technology. The machine is charged with a refrigerant, which stays in a closed and separated circuit. Snow is therefore made without any chemical additives. The snow is made out of small dry ice flakes. The Snowfactory is therefore the only system where the end product does not contain any residual moisture. The ice flakes have a temperature of - 5°C (23°F). Due to this low temperature the snow comes with additional cooling energy and melts very slow.'

The Snowfactory is connected to moveable snowmaking pipes located on the ground (varying length – 100 metres as depicted in **Figure 4** below) enabling snow to be placed in piles as required (**Figure 5**). Once an adequate pile of snow is created, the snow is then pushed onto the required ski runs – in this instance Black Wood Run and Wood Run.

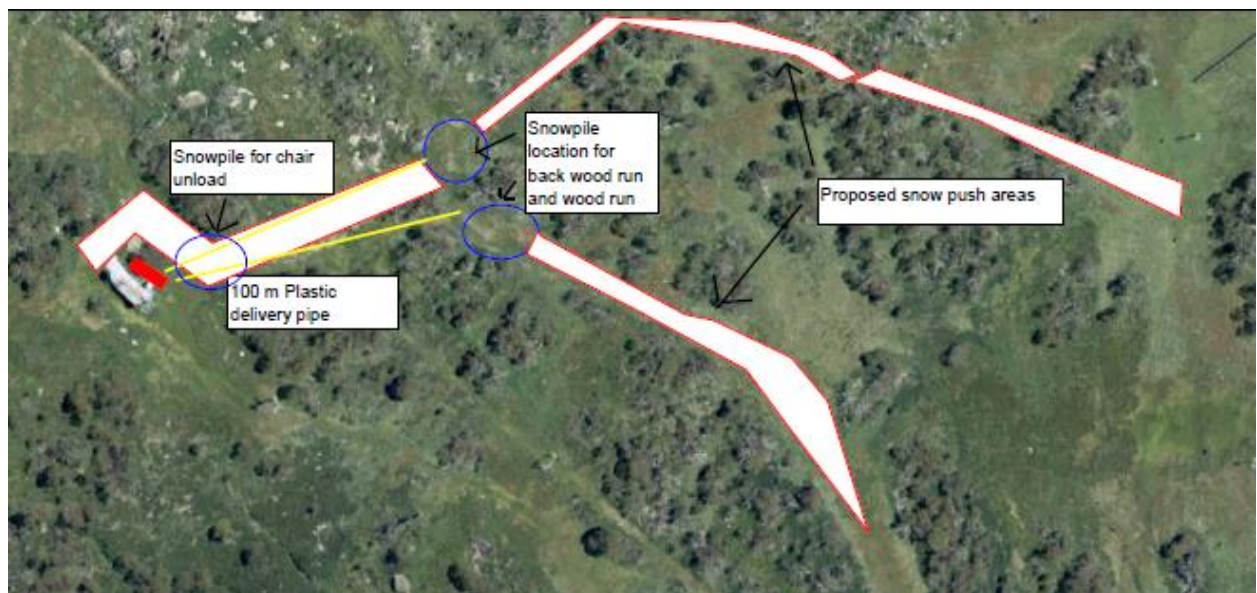


Figure 4 | Indicative snow stockpile sites and push areas (Source: Applicant's documentation)



Figure 5 | Example of stockpile and pipes connected to Snowfactory (Source: Applicant's documentation)

2.2 Works to existing Kaaten Triple Chairlift

To facilitate the proposed Snowfactory and concrete slab, the Applicant proposes to alter the existing Kaaten Triple Chairlift Top Station through:

- the removal of the stair case (**Figure 6**) and stair case beam to lift hut (resort staff would use the existing ramp instead of the stairs)
- removal of the current lift hut and construction of a smaller lift hut, partially cantilevered and supported by a new post further along the platform with dimensions of 2 metres x 1.8 metres



Figure 6 | Existing top station lift hut to be relocated (Source: Applicant's documentation)

2.3 Justification for proposal

The Applicant states that the proposal provides the following benefits:

- allowing Perisher to make snow effectively at any temperature prior to and within the ski season
- providing certainty for the operation of the resort and for guests visiting the resort
- complements other snowmaking infrastructure, designed to integrate with traditional forms of snowmaking (fan guns, etc) where the snow base and top up can occur under all weather conditions
- provides an improved beginner and intermediate skiing / snowboarding experience for guests whilst reducing pressure from visitation on Front Valley and Blue Cow, particularly during marginal conditions

Overall, the Applicant comments that the development would generate positive social and economic impacts for the resort and wider region whilst minimising impacts on the natural and built environment.

3 Strategic context

The Snowy Mountains Region offers a diverse and unique mix of visitor destinations including the KNP, the alpine resorts, the iconic Snowy River and the highest mountains on the Australian continent. A strong tourism economy is driven mainly by skiing and related winter sport experiences during the peak winter season. The region, including the alpine resorts, also provides opportunities for a range of other recreational activities during the warmer months such as hiking, fishing, kayaking and mountain-biking. The resorts are important to NSW due to their economic and social contribution as well as their location within a unique alpine environment.

The two main documents that support the strategic context of the alpine resorts are the South East and Tableland Regional Plan 2036 and the Precincts – Regional SEPP. The Perisher Blue Ski Slope Master Plan (PBSSMP) is also applicable to the proposal.

South East and Tableland Regional Plan 2036

The South East and Tableland Regional Plan 2036 describes the vision, goals and actions that will deliver greater prosperity for those who live, work and visit the region. The plan provides an overarching framework to guide more detailed land use plans, development proposals and infrastructure funding decisions.

In relation to the alpine resorts, the Regional Plan seeks to promote more diverse tourism opportunities in the Snowy Mountains that will strengthen long-term resilience while acknowledging the environmental and cultural significance of the locality.

The Department considers the proposal is consistent with the Regional Plan as it would enable the production of an artificial or manmade snow base for natural snow to fall open the ski slopes enabling earlier access to the ski slopes, which supports visitation to the NSW ski resorts.

Precincts – Regional SEPP

The Precincts – Regional SEPP governs development on land within the ski resort areas of KNP. Chapter 4 of the Precincts – Regional SEPP aims to protect the natural and cultural heritage of land within the resorts and to encourage environmentally sustainable development. Under the provisions of the Precincts – Regional SEPP, the National Parks and Wildlife Service (NPWS) have a commenting role as the land manager which includes administering the Plan of Management framework for KNP that incorporates objectives, principles and policies to guide the long-term management of the broad range of values found in the Park.

The Department considers the proposal is consistent with the Precincts – Regional SEPP as the proposal appropriately minimises the potential impacts on the environment by utilising existing disturbed land for the installation of the facility and places generated snowmaking on disturbed ski slopes, thereby minimising impacts upon the environment.

Perisher Blue Ski Slope Master Plan (PBSSMP)

The PBSSMP sets the overall master plan for the provision and management of facilities on the ski slopes of the Perisher Range alpine resorts.

The PBSSMP identifies that there is limited capacity of the snowmaking system at Smiggin Holes has resulted in snowmaking being confined to a limited area on the beginner slopes. All of the main slopes

associated with the T-bars and the Kaaten Triple Chairlift operate only under natural snow, which can limit their availability, particularly at the beginning or end of the season. There is a need to extend snowmaking to increase the reliability of these slopes.

The proposal is therefore considered to be consistent with the PBSSMP, as the proposal would provide additional snowmaking opportunities (through the use of improved technologies rather than digging snowmaking trenches) that increases the available terrain rather than relying on predominantly natural snow. The proposal also meets the strategic direction of the PBSSMP for Smiggin Holes Precinct to improve skier circulation and use of ski runs.

The Department is satisfied that the proposed development is generally consistent with the PBSSMP.

4 Statutory Context

4.1 Consent Authority

Under section 4.6 of the Precincts – Regional 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 section 32C (2)(a) of Schedule 1 to the *Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017*.

In accordance with the Minister's delegation of 9 March 2022, the Team Leader, Alpine Resorts Team may determine the application as:

- no reportable political donation has been disclosed
- there are less than 15 public submissions in the nature of objections
- the application is in relation to land which Chapter 4 of the Precincts – Regional SEPP applies

4.2 Permissibility

The proposal includes the installation of a Snowfactory, consistent with the definition of 'snow-making infrastructure' as defined in Chapter 4 of the Precincts – Regional SEPP. Pursuant to section 4.9 of the Precincts – Regional SEPP, 'snow-making infrastructure' is permissible with consent within the land use table of Perisher Range Alpine Resort.

4.3 Mandatory Matters for Consideration

Objects of the EP&A Act

The Department has considered the proposal against the relevant objects of the EP&A Act in **Appendix B**. The Department is satisfied the proposal is consistent with the objects as:

- works are aimed at improving the overall snowmaking systems to allow Smiggin Holes to open earlier in the season
- there would not be a significant impact on the environment thus being ecologically sustainable development, with impacts upon native vegetation limited where possible and no salt or other chemical or biological additive being proposed
- the proposal does not impact upon cultural heritage, including Aboriginal cultural heritage
- the application is capable of achieving compliance with relevant construction standards
- the Department provided opportunities for community participation in the assessment process, which included exhibiting the application, notifying all lodges within Smiggin Holes / the Perisher Chamber of Commerce / SLOPES (Ski Lodges Organisation of Perisher Smiggins and Guthega), and displaying the proposal on the NSW Planning Portal website during the exhibition period. The Department has considered the issues raised in submissions in **Section 6**

Ecologically Sustainable Development (ESD)

The EP&A Act adopts the definition of ESD found in the *Protection of the Environment Administration Act 1991*. ESD initiatives and sustainability have been adequately considered by the Applicant and mitigation measures are proposed to be incorporated into the design.

The proposal is consistent with the ESD principles and the Department is satisfied the proposed works have been developed having regard to the ESD principles, in accordance with the objects of the EP&A Act as follows:

- the proposal is not expected to adversely impact upon the health, diversity or productivity of the environment for future generations
- the proposal promotes the orderly and economic use of the site
- the proposal does not impact upon cultural heritage, including Aboriginal cultural heritage

Biodiversity Conservation Act 2016

Section 1.7 of the EP&A Act requires the application of the *Biodiversity Conservation Act 2016* (BC Act) in connection with the terrestrial and aquatic environment.

The BC Act commenced on 25 August 2017, with transitional arrangements put in place to assist stakeholders transition to the new legislation effective until 25 February 2018. The BC Act, together with the *Biodiversity Conservation Regulation 2017* (BC Regulation), introduced framework for the assessment and approval of biodiversity impacts associated with developments that require consent under the EP&A Act.

The application was received by the Department on 17 July 2017, prior to the date of commencement, therefore the BC Act does not apply to the proposal.

The Applicant provided a flora and fauna assessment and given the highly disturbed nature of the development site, concluded that the proposal will not result in any adverse impacts on threatened species or endangered ecological communities, or on the environment generally.

The NPWS did not raise any concerns with this assessment.

Considerations under section 4.15 of the EP&A Act

Under section 4.15 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 4.15 as outlined in **Table 2** below.

The Table represents a summary for which consideration is provided for in **Section 6** (Assessment) and relevant appendices or other sections of this report, referenced in the Table.

Table 2 | Section 4.15(1) Matters for Consideration

Section 4.15(1) Evaluation	Consideration
(a)(i) any environmental planning instrument (EPI)	<p>The Precincts – Regional SEPP applies to the site for this type of development. An assessment against the requirements of the Precincts – Regional SEPP is provided in Appendix B. The Department is satisfied that the application is consistent with the requirements of Chapter 4 of the Precincts – Regional SEPP.</p> <p>Further consideration and approvals are required under <i>State Environmental Planning Policy (Infrastructure) 2007</i> for the introduction of the electricity transformer. Refer to Appendix B for discussion.</p>
(a)(ii) any proposed instrument	Not applicable to the proposal.
(a)(iii) any development control plan	No development control plan applies to the proposal.
(a)(iia) any planning agreement	Not applicable to the proposal.
(a)(iv) the regulations	<p>The application satisfactorily meets the relevant requirements of the EP&A Regulation, particularly the procedures relating to development applications.</p> <p>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.</p>
(a)(v) any coastal zone management plan	Not applicable to the proposal.
(b) the likely impacts of that development	The Department has considered the likely impacts of the development as a result of the proposal (as discussed above in Section 4.3). All environmental impacts can be appropriately managed and mitigated through recommended conditions of consent.
(c) the suitability of the site for the development,	The site is suitable for the development and supports the ongoing use of the site for recreation / skiing within Perisher Range Alpine Resort.

(d) any submissions made in accordance with this Act or the regulations,

Consideration has been given to the NPWS submission received during the exhibition period. See **Section 5** of this report.

(e) the public interest.

The works are consistent with the aim and objectives of Chapter 4 of the Precincts – Regional SEPP, would be compatible to the uses of the site and there would not be an adverse impact on the environment. The proposal is consistent with the principles of ESD.

As such, the proposal is in the public interest.

5 Engagement

5.1 Department's engagement

The Department exhibited the application from 25 July 2017 until 8 August 2017:

- on the NSW Planning Portal website
- at its Jindabyne Office (Shop 5A, 19 Snowy River Avenue, Jindabyne)
- at NSW Service Centres

Note: The application was lodged prior to the Department's Community Participation Plan that commenced in November 2019.

The application was also exhibited to all lodges within Smiggin Holes, sent to the Perisher Chamber of Commerce and SLOPES (Ski Lodges Organisation of Perisher Smiggins and Guthega) and forwarded to NPWS pursuant to section 4.15 of the Precincts – Regional SEPP.

Following the exhibition of the application, the Department placed copies of all submissions received on its website and requested the Applicant provide a response to the issues raised.

5.2 Summary of submissions

During the exhibition, the Department received comments from NPWS. No public submissions were received.

Comments initially received from the NPWS in July 2017 related to fauna and flora (machinery cleaning, access and storage / rehabilitation and sediment and erosion control), aboriginal cultural heritage, leasing and that the Kaaten Triple Chairlift is not identified as having heritage conservation significance. No concerns were raised in relation to municipal services or public health.

As discussed in **Section 1.3**, following further information being provided by the Applicant in relation to the introduction of an additive to the Snowfactory, the NPWS provided additional comments questioning the accuracy of the quantity of salt to be added per day and sought the inclusion of requirements for monitoring of the impacts (water and soil quality) from the salt upon the Smiggin Creek and ski slopes.

On 15 September 2020 it was resolved that salt and / or other additive would not be used and the assessment is proceeding on this basis.

The Department has considered the remainder of the comments received from the NPWS in **Section 6** or through recommended conditions in the instrument of consent at **Appendix C**.

6 Assessment

The Department has considered the relevant matters for consideration under section 4.15 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
- visual impact of proposal
- operational considerations
- construction access and machinery

Each of these issues is discussed in the following sections of this report.

6.1 Impacts on biodiversity

The Department has carefully considered the potential biodiversity impacts associated with the proposal given the location of the site and the sensitive nature of the flora and fauna within the alpine area.

As noted in **Section 1.3**, on 15 September 2020 the Applicant requested consideration of the application based on that salt and / or other additives would not be used. Accordingly, further assessment of the impacts of such additives has not been undertaken, and the ongoing prohibition of use of any additives will be reinforced via a condition of consent.

The Department's assessment of the potential environmental impacts of the proposal along with appropriate mitigation and management measures are considered below:

Impact upon existing vegetation

The Applicant's ecological consultant undertook a flora and fauna assessment that:

- described the land (approximately 30m²) on which the Snowfactory would be constructed as limited to exotic grass without any evidence of threatened species habitat or endangered ecological communities
- identified that an existing tree island is located adjacent to the site, outside of the proposed works area
- noted that there would be no impact on any Bog communities, with extensive areas of excellent condition Bog to the south of the Top Station
- recommends that the proposal incorporate appropriate measures to protect the vegetation within the nearby tree island during construction, particularly areas of remnant bog plants

The NPWS acknowledged that the Applicant has carefully considered the location of the facility, including through pre-application negotiations, to minimise environmental and visual impact.

While the flora and fauna assessment focused on the construction site, the Department also has considered the impact of stockpiled snow on the ski slopes. Once a required amount is stockpiled, this is then dispersed over a large area by grooming machines, which operate over a base of snow. Impacts from grooming are considered to be acceptable particularly noting the previously disturbed nature of a ski slope.

The Department has inspected the site, reviewed the flora and fauna assessment and agrees with its conclusions. Conditions of consent will be recommended to ensure the nearby tree island is protected during construction.

Rehabilitation

The Department notes that the NPWS commented that:

- the rehabilitation of the site is suitable to use a 50:50 Poa and Chewings Fescue seed mix as the area is an existing disturbed area where exotic grasses are dominant
- the rehabilitation area should be monitored and maintained for five years
- rehabilitation works should be conducted as per the *Rehabilitation Guidelines for the Resort Areas of Kosciuszko National Park (DECC 2007)*

The Department supports the rehabilitation advice and has recommended conditions to ensure that disturbed areas are rehabilitated and works are carried out in a timely manner to enable sufficient time for the stabilisation of the impacted sites prior to winter.

Conclusion

The Department is satisfied the Applicant has taken the appropriate steps to avoid, minimise and mitigate the proposal's biodiversity impacts with the location of the Snowfactory designed to avoid significant vegetation. The Department considers the proposal is acceptable subject to the following conditions:

- rehabilitation of disturbed areas
- preparation of a rehabilitation and monitoring plan

6.2 Visual impact of proposal

The visual impact of the proposed facility within the context of the Smiggin Holes ski fields and the greater locality is a consideration in this application. The Department notes that the proposed snowmaking factory is 8.523 metres high that will sit on top of a concrete slab of 2.24 metres, therefore making the whole structure 10.8 metres high when measured from natural ground level.

The Applicant states that due to Smiggin Holes being a naturally occurring bowl surrounded by a ridgeline and the Kaaten Tripe Chairlift top station sitting well below the ridgeline, the proposed structure can only be potentially viewed from a public road from the south including Kosciuszko Road and from the east from Munyang Road within Smiggin Holes.

The Department's assessment of the proposal included an analysis of the view shed diagrams provided by the Applicant and consideration of the topography of Smiggin Holes, including the existing vegetation and height of the ridgeline to the west of the site.

In understanding the topography of the locality and overall height of the proposed and existing structures, the Department considers that while the top half of the structure would be visible from the Smiggin Holes Village, given the location of the proposed site and height of adjoining structures, the facility would predominantly blend into the environmental backdrop when viewed from the car parking area and lodges behind. Lodges located along Corroboree Road (**Figure 7**), would be capable of siting the proposal once constructed, however the facility would be behind the Kaaten Triple Chairlift top station.



Figure 7 | View from site location looking east towards lodges and Smiggins Hotel (Source: Department site inspection)

The Department concludes that given the bulk of the existing Kaaten Triple Chairlift top station and the proposed woodland grey colour to be applied, the visual impacts upon Smiggin Holes and its environment is acceptable.

6.3 Operational considerations

During its assessment of the application, the Department has considered the potential additional use of the ski slopes due to the introduction of the Snowfactory upon the affected Smiggin Holes ski area, with the winter use of the ski runs likely to be increased.

The Applicant provided an indicative diagram of where stockpiles and snow push areas - (**Figure 4**).

The proposed facility would extend the season (both earlier and later than traditionally is the case) at Smiggin Holes. While this is generally supported, in terms of improving access to a wider area of ski runs within the Perisher Resort, the environmental impact of the construction and therefore loss / disturbance of vegetation needs to be assessed.

In this regard, the Department is satisfied that the Applicant is aware of its responsibility to ensure that the proposed construction and operation of the facility is appropriately managed reduce environmental impacts to acceptable levels.

The Department concludes that with the introduction of the proposed facility, additional social and economic improvements are expected for the nearby lodges, hotel and resort facilities as a result of retaining visitors to Smiggin Holes.

6.4 Construction access and machinery

Proposals within the Alpine resorts are required to consider their impact of construction activities upon the environment. In this regard, the Applicant intends to gain access to the site from existing access tracks off the Link Road between Smiggin Holes and Blue Cow (**Figure 8**).



Figure 8 | Construction access – yellow dotted line (Source: Applicant’s documentation)

The Department notes that the machinery to be used includes a 22-tonne excavator and tracked HD carriers, tray back utes, 4WD quad bikes and a 30-tonne all terrain crane.

The NPWS recommended standard machinery conditions for ski slope works, including that machinery to be cleaned prior to entry in KNP and that materials and equipment, including staging areas, must be restricted to existing disturbed areas and be confined to clearly marked disturbance corridors.

The Department is satisfied that the works can be undertaken without causing an adverse impact on the environment during construction and has recommended the implementation of construction corridors and machinery handling requirements to limit impacts on native vegetation, particularly when noting that the path of travel is located predominantly on existing access tracks and disturbed ski slopes.

Impacts would be minimised where possible (ensuring consistency with conditions) and have regard to legislative and requirements for undertaking works within the broader Perisher / Smiggin Holes area.

6.5 Other issues

The Department's consideration of other issues is provided at **Table 3**.

Table 3 | Summary of other issues

Issue	Assessment	Department Consideration and Recommendations
Alterations to existing top station	<ul style="list-style-type: none"> To facilitate the installation of the Snowfactory, the existing Top Station of the Kaaten Triple Chairlift is to be modified, including the removal of an external stair, reconstruction of the lift hut and cutting back the platform. 	<ul style="list-style-type: none"> The Department raises no concerns with the modification to the Top Station subject to conditions ensuring that the structure is structurally adequate and that work is carried out to meet required BCA and Australian Standards.
Geotech	<ul style="list-style-type: none"> The application is supported by a geotechnical assessment and a Form 4 prepared by Asset Geotechnical Engineering Pty Ltd. The assessment recommended the use of a suspended slab (for the Snowfactory is to be placed) on internal columns and a perimeter wall. Surface drainage would also be required uphill of the slab. An experienced geotechnical engineer is recommended to review footing designs and also inspections during the works to confirm the subsurface profile and design assumptions. 	<ul style="list-style-type: none"> The Department raises no concerns with the proposal, subject to implementation of the recommendations as proposed by Asset Geotechnical Engineering Pty Ltd. Conditions are recommended to ensure the recommendations are implemented and also that further certification is provided throughout the construction phase.

Lease / licencing	<ul style="list-style-type: none"> NPWS raised no concerns, noting the original proposal is permissible under the lease held by the Applicant. The Department notes that the works are within close proximity to the existing allotment boundary. 	<ul style="list-style-type: none"> The Department has recommended a condition that prior to the commencement of works, the existing lease boundary located within close proximity to the site be identified so that the construction remains within the lease boundary.
Trenching / water access (Reliance on Stage 1 or 2 Smiggins Snowmaking)	<ul style="list-style-type: none"> The Applicant states that the Snowfactory would rely on the approved trenching and services that formed part of DA 6918 (Stage 1 snowmaking) for water and power. However, the proposal does not rely on the pump station or water tank approved under DA 6918 as it is intended to connect directly to an existing well utilising existing licence arrangement. 	<ul style="list-style-type: none"> Noting the reliance on the approved water and electrical services (apart from the electrical transformer – see below) from the Stage 1 snowmaking DA, the Department has recommended a condition that a separate construction certificate would need to be issued for the trenching to the site approved under DA 6918.
Electrical Transformer	<ul style="list-style-type: none"> To facilitate the operation of the Snowfactory, a pad mounted transformer is to be provided to reduce the power from 11kV to 415V. The transformer is to be located above the Snowfactory adjacent to the lift platform. 	<ul style="list-style-type: none"> The Department acknowledges the need for the transformer, however separate approval under the Infrastructure SEPP is applicable for these works to occur. This requires additional discussions with NPWS, as the site is located within a national park. Further discussion is provided in Appendix B.

7 Evaluation

The Department has assessed the application, accompanying documents and the Applicant's response to NPWS comments in accordance with the relevant requirements of the EP&A Act, Regulations and EPIs, and has carefully considered the submission from NPWS.

The Department's assessment concludes the proposal is acceptable as:

- the proposal is permissible with consent under the Precincts – Regional SEPP
- the removal of salt and / or other additives in the operation of the machine ensures that there will not be a significant impact on any threatened species, populations or ecological communities and the natural environment and cultural values associated with KNP are protected,
- construction impacts are acceptable with the inclusion of requirements to ensure impacts are minimised
- the proposal is appropriate as it has beneficial outcomes for snowmaking at Smiggin Holes, consistent with the PBSSMP strategic plan for Smiggin Holes
- the works are consistent with the regional plan for the locality and the Precincts – Regional SEPP and supports visitation to the ski resorts
- the recommended conditions would require construction impacts to be minimised having regard to the existing native vegetation, all disturbed areas to be rehabilitated following construction and an environmental officer to monitor construction works

Overall, the Department is satisfied that the proposal is suitable for the site and in the public interest. The Department therefore recommends that the application be approved subject to recommended conditions.

8 Recommendation

It is recommended that the Team Leader, Alpine Resorts Team, as delegate of the Minister for Planning:

- **considers** the findings and recommendations of this report
- **accepts** and adopts all of the findings and recommendations in this report as the reasons for making the decision to grant consent to the application
- **agrees** with the key reasons for approval listed in the notice of decision
- **grants** consent for the application in respect of DA 8637, subject to the recommended conditions
- **signs** the attached Development Consent (**Appendix C**)

Recommended by:

A handwritten signature in black ink that reads "Mark Brown." with a horizontal line underneath the name.

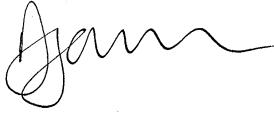
Mark Brown

Senior Planner

Alpine Resorts Team

9 Determination

The recommendation is **Adopted / Not adopted** by:

A handwritten signature in black ink, appearing to read 'Dan', with a stylized, wavy line extending from the end.

Daniel James

Team Leader

Alpine Resorts Team

as delegate of the Minister for Planning

3 June 2022

Appendices

Appendix A – List of referenced documents

The following supporting documents and supporting information to this assessment report can be found on the NSW Planning Portal website as follows.

1. Statement of Environmental Effects
2. Submissions
3. Amended proposal

Appendix B – Statutory Considerations

OBJECTS OF THE EP&A ACT

The objects of the EP&A Act are the underpinning principles upon which the assessment is conducted. The statutory powers in the EP&A Act (such as the power to grant consent/ approval) are to be understood as powers to advance the objects of the legislation, and limits on those powers are set by reference to those objects.

Therefore, in making an assessment, the objects set out in Section 1.3 of the EP&A Act should be considered to the extent they are relevant. A response to the objects is provided in the table below.

Objects of the EP&A Act	Consideration
(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,	<p>The proposal supports the ongoing use of Perisher Range Alpine Resort for tourism through ensuring consistency of snowmaking of existing ski runs.</p> <p>The location of the works and construction impacts minimise impacts on the environment.</p>
(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,	<p>The proposal would not have an unacceptable impact on the environment thus being ecologically sustainable development. Mitigation measures during construction and rehabilitation of impacted areas are supported.</p>
(c) to promote the orderly and economic use and development of land,	<p>The development seeks approval for works that are aimed at providing additional snowmaking capabilities within Smiggin Holes, which ensures the proper management and development of the land.</p>
(d) to promote the delivery and maintenance of affordable housing,	<p>Not applicable to the proposal.</p>
(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,	<p>The impacts upon the environment have been limited where possible (especially noting the removal of salt and / or other additives in the proposal), with works and material storage limited to existing disturbed areas.</p>

(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),	The proposed development is not anticipated to result in any impacts upon built and cultural heritage, including Aboriginal cultural heritage.
(g) to promote good design and amenity of the built environment,	The Department considers that the proposal responds to its existing setting and minimises impacts upon the natural environment. See discussion in Section 6 .
(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,	The Department has recommended conditions of consent to ensure the construction of the proposal is undertaken in accordance with legislation, guidelines, policies and procedures (refer to Appendix C).
(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,	The Department publicly exhibited the proposal (Section 5), which included consultation with government agencies and consideration of their responses.
(j) to provide increased opportunity for community participation in environmental planning and assessment.	The Department publicly exhibited the proposal (Section 5), which included notifying the lodges within Smiggin Holes, SLOPES and displaying the application on the NSW Planning Portal website, at Service NSW Centres, and within the Departments Jindabyne Office.

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)

To satisfy the requirements of section 4.15(a)(i) of the EP&A Act, this report includes references to the provisions of the EPIs that govern the carrying out of the project and have been taken into consideration in the Department's environmental assessment.

State Environmental Planning Policy (Infrastructure) 2007 (ISEPP) is applicable to the development and overrides the Precincts – Regional SEPP for the determination pathway for the provision of the electricity transformer adjoining the Snowfactory.

Section 41(1) of the ISEPP states that:

Development for the purpose of an electricity transmission or distribution network may be carried out by or on behalf of an electricity supply authority or public authority without consent on any land. However, such development may be carried out without consent on land reserved under the National Parks and Wildlife Act 1974 only if the development:

(a) is authorised by or under that Act, or

- (b) is, or is the subject of, an existing interest within the meaning of section 39 of that Act, or
- (c) is carried out on land to which that Act applies over which an easement has been granted and is not contrary to the terms or nature of the easement, or
- (d) is an electricity work to which section 53 of the Electricity Supply Act 1995 applies.

As the works require the provision of an electrical transformer by or on behalf of an electricity supply authority (Essential Energy), then this may be carried out without development consent. However, given the site is on land reserved under the NPW Act, approval under Part 5 of the EP&A Act is required.

Further discussions with NPWS would be required under Part 5 of the EP&A Act.

State Environmental Planning Policy (Precincts - Regional) 2021

On 1 March 2022, the *State Environmental Planning Policy (Kosciuszko National Park-Alpine Resorts) 2007* (the Alpine SEPP) was consolidated into Chapter 4 of the *State Environmental Planning Policy (Precincts - Regional) 2021 (Precincts - Regional SEPP)*. Chapter 4 of the Precincts – Regional SEPP is applicable to the development. Consideration of the matters to be considered is provided below:

Section 4.12(1) - Matters to be considered by consent authority

(a) the aim and objectives of this policy, as set out in section 4.1	The proposal is consistent with the aim and objectives of Chapter 4 of the Precincts – Regional SEPP in that it is consistent with the principles of ESD and supports the ongoing use the immediate locality as a ski run.
(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 increased skiing opportunities, improved conditions and safety while having considered its 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,	<p>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.</p> <p>Water supply to the Snowfactory would be provided via the water line from the Stage 1 Snowmaking DA that is yet to be constructed. Water is extracted under existing licence arrangements.</p>
(d) any statement of environmental effects,	The SEE and information supplied are considered adequate to enable a proper assessment of the works.

(e) the character of the alpine resort,	The proposal would not adversely alter the character of the resort and only minimal visual impacts are expected on the landscape with the introduction of the Snowfactory.
(f) the Geotechnical Policy – Kosciuszko Alpine Resorts,	Refer to Section 6 of this report.
(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,	<p>The Applicant provided a visual analysis of the proposal. This is discussed in Section 6.</p> <p>The proposal does not result in an unacceptable visual impact as most of the works will be screened by existing Kaaten Triple Chairlift Top Station.</p>
(j) any significant increase in activities, outside of the ski season,	The proposal does not result in an 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 (PRRMP) and the document entitled Perisher Blue Ski Slope Master Plan,	<p>The Perisher Blue Ski Resort Ski Slope Master Plan (PBSSMP) applies to the site and proposed development.</p> <p>As discussed in Section 3 of this report, the proposed development is generally consistent with the PBSSMP.</p>
(m) if the development is proposed to be carried out on land in a riparian corridor.	Not applicable to proposal.

Section 4.13 – Additional matters to be considered for buildings

Building Height	The proposed facility is a similar height to the adjacent existing Kaaten Triple Chairlift top station. The built form
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is considered appropriate and is discussed further in **Section 6**.

Building Setback

The proposed facility is appropriately sited within the lease area of the Kaaten Triple Chairlift.

Landscaped Area

The works area is proposed to be rehabilitated in accordance with the recommended conditions of consent.

Section 4.15 – applications referred to the National Parks and Wildlife Service

The proposal was referred to the NPWS pursuant to Chapter 4 of the Precincts – Regional SEPP. Refer to comments received at **Section 5** and discussion on proposal at **Section 6**.

Section 4.24 – Heritage conservation

European heritage

The proposal would not impact on any European heritage items.

Aboriginal heritage

The NPWS raised concern that due diligence was not undertaken during the preparation of the SEE. However, the NPWS states that *‘to facilitate a timely assessment of the proposal, as a service to the Proponent, NPWS have conducted the search of the AHIMS database and can confirm that no Aboriginal sites have been recorded within the proposed works area. 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.’*

The above comments are noted and a condition is recommended addressing the above.

Appendix C – Recommended Instrument of Consent