

# Mount Perisher, Perisher Valley Chairlift Replacement

Development Application Assessment DA 10115

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## Glossary

| Abbreviation          | Definition  |  |
|-----------------------|---|--|
| BCA                   | Building Code of Australia  |  |
| BC Act                | Biodiversity Conservation Act 2016                                |  |
| BC Regulation         | Biodiversity Conservation Regulation 2017                         |  |
| BVM                   | Biodiversity Values Map   |  |
| Consent               | Development Consent   |  |
| СРР                   | Community Participation Plan                                      |  |
| Department            | Department of Planning, Industry and Environment                  |  |
| EP&A Act              | Environmental Planning and Assessment Act 1979                    |  |
| EP&A<br>Regulation    | Environmental Planning and Assessment Regulation 2000             |  |
| EPBC Act              | Environment Protection and Biodiversity Conservation Act 1999     |  |
| EPI                   | Environmental Planning Instrument                                 |  |
| ESD                   | Ecologically Sustainable Development                              |  |
| KNP                   | Kosciuszko National Park  |  |
| Minister              | Minister for Planning and Public Spaces                           |  |
| NPWS                  | National Parks & Wildlife Service                                 |  |
| NRAR                  | National Resources Access Regulator                               |  |
| Planning<br>Secretary | Secretary of the Department of Planning, Industry and Environment |  |
| SEPP                  | State Environmental Planning Policy                               |  |

## **Executive Summary**

This report provides an assessment of a Development Application (DA 10115) seeking approval to replace the current Mount Perisher double chairlift and adjoining triple chairlift with a new detachable six seat chairlift and other associated works on the ski slopes of Mount Perisher at Perisher Range Alpine Resort within Kosciuszko National Park (KNP). The Applicant is Perisher Blue Pty Ltd.

The Minister for Planning and Public Spaces is the consent authority for development within a ski resort in KNP and the proposal is permissible with consent under the provisions of *State Environmental Planning Policy (Kosciuszko National Park-Alpine Resorts) 2007* (the Alpine SEPP).

The application was lodged on 19 December 2020 and the Department of Planning, Industry and Environment (the Department), considered public exhibition requirements in accordance with the following:

- the Department's Community Participation Plan (as adopted in November 2019) for 'nominated integrated development' as a Controlled Activity Approval under the *Water Management Act 2000* is required for the development to be carried out (works are proposed within 40 metres of Perisher Creek. This required the application to be publicly exhibited for a minimum of 28 days.
- the 'advertised development' provisions in accordance with Clause 27 of the Alpine SEPP (repealed in November 2019 with the introduction of the Department's CPP) and Secretary Guidelines requirements under Clause 13 of Schedule 6 of the *Environmental Planning and Assessment Regulation, 2000* (EP&A Regulation). The Department issued Secretary Guidelines for the new ski lift line on 12 December 2018. This required the application to be publicly exhibited for a minimum of 28 days.

The Department exhibited the application between 16 January 2020 and 21 February 2020. The application was also referred to the National Parks and Wildlife Service (NPWS), Natural Resources Access Regulator (NRAR) and following the receipt of additional information to the Department of Primary Industries (DPI) Fisheries.

The Department received submissions from the Department of Primary Industries – Fisheries (DPI Fisheries), the Natural Resources Access Regulator (NRAR) and the National Parks and Wildlife Service (NPWS) during the assessment of the application. 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.

The key assessment issues associated with the proposed development are biodiversity, access works, impacts on Perisher Creek and adjoining riparian areas, visual impacts, removal of the underground petroleum storage system, and construction and machinery. Based on a merit assessment of the application, the Department considers the proposal is acceptable as:

- the proposal is permissible with consent under the Alpine SEPP
- 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
- the proposal will complement the surrounding setting with the works providing opportunities for improved safety, efficiency and speed of skier movement within perisher resort

- construction impacts are acceptable with the inclusion of requirements to ensure impacts are minimised
- the works are consistent with the regional plan for the locality and the Alpine 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 the public interest as it provides a significant capital investment into the resort by modernising the lifting infrastructure and improving efficiency, and will lead to overall improved visitor experiences which supports the regional plan for the locality and maintains its consistency with the Alpine 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 details the Department's assessment of a Development Application (DA 10115) for the installation of a new six seat chairlift and other associated works on the ski slopes of Mount Perisher (**Figure 1**) at Perisher Range Alpine Resort within KNP.

Perisher Blue Pty Ltd are seeking development consent to demolish the current Mount Perisher double chairlift and triple chairlifts; construct a new detachable six seat chairlift, including new top and bottom station and chair shed; and associated works along and adjoining the alignment comprising an upgraded access trail, new skier bridges, snow making infrastructure and communications lines.



Figure 1 | Site in context of wider locality (Source: Applicant's documentation)

The Department's assessment considers all documentation submitted by the Applicant, including the Statement of Environmental Effects (SEE), submissions from government authorities and the Applicant's response to submissions. 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 context

The site is at Mount Perisher within Perisher Range Alpine Resort, which is in the southern part of KNP approximately 35 kilometres from Jindabyne. Perisher Range Alpine Resort is a winter based tourist destination incorporating a number of ski areas such as Perisher Valley, Smiggin Holes, Guthega and Blue Cow that provide beginner and intermediate skiing options.

The development site is located at the south-western extremity of the resort, within the Mountain Perisher Precinct. The immediate area comprises five chairlifts / T-bars servicing the Precinct (**Figure 2**), with the main infrastructure being the current Mount Perisher triple chairlift and the adjacent Mount Perisher double chairlift. Kosciuszko Road is also located to the south of the site, which provides summer and winter access to the site and adjoining areas.

The Applicant states that the Mount Perisher double chairlift was constructed and first operated in 1961 and represents the oldest lifting infrastructure within the Resort and is a fixed grip lift. The Mount Perisher triple chairlift was constructed and first operated in 1979 and is a fixed grip lift.



Figure 2 | Topographic map of the subject site in context of the resort (Source: Dabyne Planning, 2019)

The Department notes that the area beneath the existing chairlift lines (being approximately 1000 metres and 1100 metres in length and approximately 20 metres wide) is generally disturbed ski slopes clear of significant vegetation, however immediately adjoining is intact native vegetation that supports habitat for a variety of threatened flora and fauna species.

Groups of rock outcrops exist in parts of the site, with the location of the new top station and off load area requiring some of these rocks to be removed or reduced. The adjoining areas contain habitat for Guthega Skinks and Alpine She-oak Skinks.

A gravel access track that enables summer access across the site is provided from the top to the bottom of Mount Perisher between or under the existing chairlift lines, which is to be upgraded as part of the

proposed works. Where the access track adjoins the Mount Perisher double chairlift, the track traverses through Perisher Creek.

Existing timber skier bridges are provided across a tributary of Perisher Creek, one of which is to be replaced as part of the proposed works. The tributary meanders beneath the Mount Perisher triple chairlift line, before joining into Perisher Creek.

## 1.3 Site description

The development site is a long linear site stretching approximately 1200 metres (between an elevation of RL 1730 metres AHD and RL 2042 metres AHD) and includes two main sections, being the top and bottom sections over a disturbance area of 1.1 hectares. Within and adjacent to the site there are formed / unformed ski areas, ski infrastructure including the Mount Perisher double and triple chairlift, snow making infrastructure, a vehicle access track and skier bridges.

A more detailed description of the three main sections is provided below:

### **Top section**

The top section of the site is split into two sections, the area containing the existing predominantly disturbed top stations for the Mount Perisher double and triple chair lift, and the area above containing the stone / timber clad NPWS communications building and the adjoining Eyre T-bar bullwheel (**Figure 3**).

The new top station is to be positioned approximately at a similar elevation to the existing communications building (approximately RL 2042m AHD), as shown in red. This area is largely untouched and contains rock outcrops and native vegetation typical of the alpine higher areas that provide habitat for native fauna.



Figure 3 | View of existing top section of the site (Source: Applicants documentation)

The existing top stations (**Figure 4** and **5**), which are to be removed, are constructed of timber with steel support posts and include a staff lift hut and an off ramp. Supporting towers or a bullwheel are located close to the stations for the haul rope to carry the chairs.



Figure 4 | View of existing double chairlift top station (Source: Applicants documentation)



Figure 5 | View of existing triple chairlift top station (Source: Applicants documentation)

#### **Bottom section**

The bottom section of the site is a disturbed area containing a number of individual components, with the main sections being the existing bottom stations for the Mount Perisher double and triple chair lifts (**Figure 6**). Also located at the Mount Perisher double chairlift bottom station is an existing restaurant / toilet, and an adjoining separate Perisher workshop.

The new bottom station and chair shed is to be positioned approximately 10 metres to the north and 60 further away from the existing Mountain Perisher triple chair lift (at approximately RL 1732.69m AHD). This area around the triple chair bottom station is largely disturbed and contains an access track and an area utilised for the storage of winter based terrain park infrastructure - rails / boxes.

Existing skier bridges and vehicular culverts are provided in the site area, within and over Perisher Creek and its tributaries. Access to the tower and top station is currently provided through Perisher Creek.

Areas of remnant bog and heath occur along the edges or embankments of the tributaries located within the riparian zone (being within 40 metres of the new bottom station). These areas are typically covered with snow during the winter period. Alpine Snow Gums are provided in clumps beneath or adjacent to the existing lift lines, some of which are to be removed to facilitate the altered lift line alignment.



Figure 6 | View of existing infrastructure at the bottom of the site (Source: SIX Maps 2021)

## 2 Project

The development comprises the replacement of the current Mount Perisher double chairlift and triple chairlift with a new detachable six seat chairlift and seeks approval for the following works:

- removal of the existing Mount Perisher double and triple chairlift which incorporates bottom stations, lift towers, a haul ropes, and a top stations
- removal of the existing NPSW communications hut and relocation of the Eyre T-bar bullwheel
- removal of two x 9000 litre underground fuel tanks located adjoining the current triple chairlift
- construction of a new detachable six seat chairlift, including new top and bottom station, a chair shed to store the detachable six seat chairs, an RFID gate and drainage line
- installation of snowmaking infrastructure, new skier bridges, and a culvert over Perisher Creek
- selected tree and rock removal and/or reduction and rehabilitation of the site
- associated works including upgrading the existing access track, communication cables and electrical transformers

The proposal has a cost of works of approximately \$19.44 million.

## 2.1 Removal of existing structures

The proposed development includes the demolition of the:

- Existing triple chairlift, including the top and bottom stations, lift towers and haul rope. The stations are
  to be removed via the upgraded access road and surrounding highly disturbed ski slope. The lift towers
  are proposed to be removed via helicopter or excavator. Where they protrude the surface, the existing
  concrete footings of the towers will be removed either via the access road or disturbed ski slope where
  possible or via excavator. Where footings leave excavations, topsoil will be used to backfill and
  revegetate the area.
- Existing double chairlift, including the top station, bottom station loading area, bullwheel at the top, lift towers and haul rope. The lift towers are proposed to be disassembled and removed either via the access road or disturbed slope or via helicopter or excavator.

The existing Eyre T-bar and bullwheel is proposed to be relocated downslope along the same alignment to allow a large enough area for the unloading and congregating at the proposed new chairlift.

The existing NPWS communications hut is proposed to be removed, with a communications room provided with the design of the new top station. Whilst the top station is under construction, it is proposed that the equipment be temporarily stored in a storage container in order to facilitate the ongoing operation of the equipment (separate approval from NPWS under Part 5 of the EP&A Act).

Two 9000 litre underground fuel tanks are proposed to be removed as part of the removal of the triple chairlift. The fuel tanks are currently located on the northern edge of the triple chairlift bottom station.

## 2.2 New chairlift, stations and chair shed

The proposal is for a detachable six seat lift with an uphill capacity of approximately 3000 people per hour. The lift utilises a loading conveyor to assists with loading, with a 90-degree load and unload.

The proposed alignment of the chairlift is generally along the existing triple chairlift alignment, with the bottom station approximately 10m to the north of the existing bottom station, and therefore a slight offset from the existing alignment for the lower portion of the chairlift.

The alignment results in the chairlift being 1254 metres in horizontal length, 1294 metres in inclined length and a vertical rise of 309 metres. The chairlift is designed to operate at a maximum speed of 4.5 metres per second, with a 3000 person or 88 chair per hour capacity, the total trip time will be 5 and a half minutes.

#### **Bottom Station and chair shed**

The proposed bottom station is located 25 metres back from the current triple chairlift bottom station and the proposed bullwheel and load is setback approximately 60 metres (**Figure 7**). Further, the proposed bottom station is also 10 metres north of the current triple chair alignment.

The bottom station is a two-storey structure attached to the chair shed, with dimensions of 14.7 metres x 22 metres, with an attached operators hut. The location of new building was chosen to provide as much slowing and queuing area as practicable in anticipation of the increased number of users. The load is also proposed to be switched from the northern side as existing to the southern side.



Figure 7 | Location of new bottom station in relation to existing triple chairlift bottom station (Source: Applicant's documentation)

A chair shed is needed to store the detachable chairs and is located on the north of the bottom station to ensure efficient use of the queuing area to the south. The shed is proposed to be long and narrow with room to accommodate two rows of chairs (approximately 60 metres x 10 metres and a single storey of 6 metres along the northern wall). This design allows for the bottom station to be located as far north as possible as well as limiting the impacts on the partly disturbed Alpine Bog vegetation to the north.

Further, a retaining wall has been included in the proposal along the northern edge of part of the building to further reduce the impacts on the Alpine Bog vegetation.

The bottom station and chair shed are clad with vertical metal 'Lysaght' cladding, 'Longline 305 - Basalt or Windspray' and 'Customorb – Aries', similar in colour to the existing Perisher Quad Express chairlift. Areas of the operators hut are also be constructed with timber cladding for a natural hardwood finish.

Rendered images of the proposed bottom station and attached chair shed are provided in Figure 8.



Figure 8 | Rendered images of proposed bottom station (Source: Applicant's documentation)

## **Top Station**

The new top station is proposed to be located along the existing triple chairlift alignment, however extending higher than the existing triple chair top station and double chair top station to where the NPWS communications hut is located. This higher location was chosen to give users access to all available ski runs in all directions without having to traverse across a slope.

The proposed building is predominantly three storeys in height and has dimensions of approximately 19 metres wide x 20 metres deep x 14.7 metres high (**Figure 9**). The unloading point for the new building is to be at RL 2041.69m AHD.





Figure 9 | Rendered image of proposed top station (Source: Applicant's documentation)

The building incorporates a chair grip service bay; a communications room for all of the equipment from the NPWS communications hut including antennae; an internal store room accessible internally and externally; a separate diesel generator room; external platform and racks for the antennae equipment; and a control hut for the lift operator.

Construction access to the proposed top station will be from the existing mountain access road. The access road is also proposed to be upgraded. Where the access road ends at the edge of the current chairlifts, an extension of the road is proposed and will be used for temporary construction access and the ongoing permanent vehicle access to the building.

The top station is to be clad with vertical metal 'Lysaght' cladding, 'Longline 305 - Basalt or Aries'. Areas of the station are also to be constructed with timber cladding for a natural hardwood finish or painted in Colorbond 'Basalt'.

## 2.3 Lift Towers

The proposed chairlift requires 10 lift towers, in comparison to the existing combined 27 towers currently used for the Mount Perisher double chairlift and triple chairlift. The proposed locations of the 10 towers are as follows:

- Towers 1 and 2: close to the new bottom station in a highly disturbed area with heights of 5 metres and 13 metres respectively.
- Tower 3: on a knoll, out of the ski run, close to existing access road and triple chairlift. This tower will require the removal of approximately 13 trees and has a proposed height of 12 metres.
- Towers 4 and 5: on a knoll, to the side of the existing Towers ski run. These towers will be close to the existing access road and triple chair with heights of 10 metres and 18 metres respectively.
- Tower 6: on a disturbed flat area located off the ski run with a height of 16 metres. The tower can be accessed via the disturbed ski slope from the existing access road.
- Tower 7: on a knoll, on the edge of the ski run associated with the Sun Valley T-bar offload and connection to the Towers ski run. The tower can be accessed via the disturbed ski slope from the existing access road and has a proposed height of 18 metres.
- Tower 8: within a disturbed ski slope, close to the existing access road, partly within the existing ski run. The tower has a proposed height of 11 metres.
- Towers 9 and 10: double towers that share the same footing located mostly within a disturbed ski slope, close to the existing access road and partly within the existing ski run. The towers both have a proposed height of 12 metres.

All of the footings for the towers have a maximum disturbance area of 144m<sup>2</sup> (12 metres x 12 metres) are mostly located in partly of fully disturbed areas. The towers will require a large excavation as there are limited towers which need to support the capacity of the lift over long spans.

Construction access to the tower sites has been designed to use the existing access road of which is proposed to be upgraded, as well as previous snowmaking and ski slope disturbance corridors where practicable.

## 2.4 Snowmaking infrastructure

Minor amendments to existing and installation of new snowmaking are included in the proposal.

At the bottom station, a new fan gun and retractable hydrant are proposed on the corner of the existing road bridge that requires an extension from a pit adjacent to the double chairlift (a trench of 750 mm depth x 450 mm width is required). The fan gun and retractable hydrant are provided with a concrete pit (with dimensions of  $1.9 \times 1.9 \times 1.4$  metres depth) with the fan guns mounted on a tower and stand approximately 3.5 metres above ground level.

Adjacent to Tower 3, the existing lance gun is proposed to be relocated to a nearby rock, with the pit and underground services to remain in their existing locations. Adjacent to Tower 6, the three existing lance guns are proposed to be removed and their existing pits and underground services are proposed to remain in their existing locations. These lance guns will be utilised at other locations. Above Tower 6, a new fan gun is proposed to replace the snowmaking services of the removed three lance guns.

At the top of the mountain, the existing lance gun to the north of the Eyre T-bar Bullwheel is proposed to be replaced with a fan gun adjacent to the relocated Eyre T-bar Bullwheel. A lateral extension is required from the existing position, which includes an excavation of 750 mm depth x 450 mm width to cater for a water and air pipe (50mm in diameter), electricity, optical fibre and data cables.

## 2.5 Rock Removal and/or Reduction Works:

Individual and groups of rocks are proposed to be removed and/or reduced to provide unrestricted access to ski runs at the proposed new top station. The rocks that are proposed to be removed and/or reduced are not identified as a Guthega Skink site. Where rocks are proposed to be removed outside of a construction footprint they are proposed to be removed over snow. As no earthworks are proposed as part of these works, the existing vegetation located adjacent to the rocks will be retained.

### 2.6 Related development

#### Vehicle access culvert

A new vehicle access culvert is proposed to be installed to cross Perisher Creek abutting the Mount Perisher double chairlift bottom station (the existing creek traverses underneath the bottom station). The culvert is provided to remove the need for driving through the creek. The adjoining creek area is to be rehabilitated / armour rocked while also ensuring no impact upon the overall flow of the existing creek.

The works associated with the introduction of the culvert provide a crossing of 8.2 metres long x 4.8 metres (4 x 1.2 metre sections) wide and comprises of a 4.2-metre-wide concrete culvert spanning the existing creek, with a 100mm concrete deck on top and a 150 mm kerbing. The culverts are to be provided on an engineered footing located outside of the creek alignment, with fill embankments and gravel road to be placed on either side.

The snowmaking lateral as discussed in Section 2.4 is to be attached to the side of the culvert with no trenching of the creek proposed.

#### **Skier Bridges**

Two new steel bridges are proposed to provide access to the proposed bottom station across an upper tributary of the Perisher Creek. The existing timber bridges are inadequate to service the increased traffic associated with the new bottom station.

Skier Bridge 1 is proposed to provide connectivity between the Powder Inn restaurant, the traverse form International and Eyre T-bar lifts and the Towers ski run. This bridge is proposed to be 8 metres in width and 22 metres in length.

Skier Bridge 2 is proposed to provide connectivity between the Towers ski run, Happy Valley and the traverse between Centre Valley and Mount Perisher. This bridge is proposed to be 12 metres in width and 22 metres in length.

The bridges are proposed to be erected using a screw pier support post system with a steel mesh decking, which would be covered by conveyor matting or a recycled plastic decking material in winter to hold snow.

### **Communications Cabling (Up-hill Safety Line)**

The proposed chairlift will require a new up-hill safety line that will be installed underground to prevent icing. The existing conduit installed as part of a previous upgrade of the up-hill safety line for the triple chairlift is proposed to be used to minimise the extent of trenching required – this line is typically located within or adjacent to the existing access road.

The only trenching required for the up-hill safety line is from the existing conduit to the new towers and top / bottom stations, which where possible is to be provided along the construction corridor for each tower or within the construction disturbance area for the top and bottom stations. Trenching is typically a depth of 0.5 metres and width of 0.3 metres.

### Electricity

The existing triple and double chairlifts and snowmaking system are serviced by an electrical transformer at the top and base of the mountain. These are both proposed to be replaced and upgraded in their existing locations separate to this application.

#### **RFID Gate**

A Radio Frequency Identification Data (RFID) gate is to be installed at the bottom station. This gate is proposed to include six access readers designed for users to access the ski lifts without having to use a ticket or handle a ski pass. The RFID tags enable lift tickets or season passes to be read and allows the access gate to automatically validate a ticket and open to admit the user.

The gate is proposed to be located 12 metres to the south of the bottom station and will require a single footing and mast with the access readers hanging from an arm that can be lowered or raised depending on the snow depth. Optical fibre is also required for the proposed gate. Connection to the triple chairlift is already provided and therefore can be directly connected to the new lift gate.

#### **Bottom Station Drain**

The proposal will require water from around the base of the footings and conveyor pit associated with the new bottom station to be drained. The proposed drain allows for the underground water that has the

potential to impact on the footings/conveyor pit to be drained via gravity towards Perisher Creek. The drain also captures the roof water from the bottom station and chair shed structures via drip drains located along the perimeter of the buildings.

The proposed drain requires a trench and installation of a poly-pipe with a rip-rap rock outlet which will be undertaken within 40 metres of Perisher Creek. The impact of these works on Perisher Creek have been further assessed in **Section 6.2** of this report.

## 2.7 Justification for the proposal

The Applicant states that the proposal would provide the resort and its customers a large range of benefits, including:

- Replacement of two outdated lifts with a vastly upgraded facility with safety and convenience improvements.
- Increased lift capacity by 60% (1815 people per hour to 3000 people per hour) to better match the current ski slope capacity and reduce queuing times.
- Provision of a wider and safer ski run on Mount Perisher by removing two (2) top stations and twentyseven (27) lift towers and replacing this with the installation of one (1) top station and ten (10) new towers which have been mostly located out of the main ski run.
- Improve the Mount Perisher precinct, being one of the most popular in the resort for intermediate to advanced skiers and snow boarders with a diversity of terrain, good snow accumulation and a relatively sparse tree cover.
- Improved chairlift wind performance with heavier chairs.
- Provide for the comfortable loading and unloading of passengers through the use of detachable grip technology that enables chairs to separate from the haul rope, travelling slower at the load and unload locations.
- Improving the travel time from the current trip time of approximately 10 minutes down to 5½ minutes.
- Ease congestion on other lifts in the Mount Perisher precinct and across the resort.

Overall, the Applicant comments that the development would represent a significant capital investment by the ski resort operator into modernising the lifting infrastructure and improving efficiency, leading to overall improved visitor experiences.

## 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 Alpine SEPP.

#### 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 improve resort operations through providing improved infrastructure and greater circulation of guests on the Mount Perisher ski areas, which leads to additional visitation to the NSW ski resorts. The proposal has also minimised its impact on the unique environment through predominantly locating the works on previously disturbed areas or avoiding identified fauna locations where possible.

#### **Alpine SEPP**

The Alpine SEPP governs development on land within the ski resort areas of KNP. The SEPP and aims to protect the natural and cultural heritage of land within the resorts and to encourage environmentally sustainable development. Under the provisions of the Alpine SEPP, the 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 Alpine SEPP as the proposal minimises native vegetation impacts or utilises previously disturbed areas in providing larger building footprints for the bottom and top stations, while rehabilitating disturbance at the completion of works. The proposal has also considered the sensitive riparian corridors and provided designs to reduce impacts where possible.

#### 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 the existing Mount perisher double and triple chairlifts be replaced with a sixseat chairlift along the alignment of the double chairlift (**Figure 10**). Whilst the proposal is aligned along the existing triple chairlift, the proposal remains generally consistent with the intent of the PBSSMP.



#### Figure 10 | Replacement lift for Mount Perisher Precinct (Source: PBSSMP)

The environmental characteristics of the precinct were mapped and illustrates that the chairlift corridor and Towers ski run is mostly unconstrained. The mapping shows that areas of high sensitivity are located away from the chairlift alignment, beyond the top station site (**Figure 11**). Only small areas of low to medium sensitivity are located within the corridor.





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

## 4 Statutory Context

## 4.1 Consent Authority

Under Clause 7 of the Alpine SEPP, the Minister for Planning and Public Spaces is the consent authority for the application as the development takes place within a ski resort area as referred to in clause 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 26 April 2021, 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 the Alpine SEPP applies

## 4.2 Secretary's Guidelines

Prior to the commencement of the Department's CPP (November 2019), the Applicant was required to obtain Secretary Guidelines in accordance with Clause 27 – Advertised Development of the Alpine SEPP (now repealed following the adoption of the Department's CPP) and Clause 13 of Schedule 6 of the EP&A Regulation.

The Department issued Secretary Guidelines on 12 December 2018, which the Applicant has addressed in the submitted SEE and additional information received during the assessment of the application, as required by Part 1, Schedule 1 of the EP&A Regulations.

### 4.3 Permissibility

The proposal includes the replacement of the existing double and triple chairlift with a new six seat chairlift with associated works consistent with or ancillary to the definition of 'lifting facilities', 'recreation infrastructure' (being the proposed access arrangements improves through the provision of a new culvert, upgrade to access track and skier bridges), 'snowmaking infrastructure' and works to existing 'ski slopes' (being the rock removal / reduction works).

Pursuant to Clause 11 of the Alpine SEPP, 'lifting facilities', 'recreation infrastructure', 'ski slopes', and 'snow-making infrastructure' are permissible with consent within Perisher Range Alpine Resort.

### 4.4 Other approvals

#### **Environment Protection and Biodiversity Conservation Act 1999**

Under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), the Commonwealth Government is required to assess and approve a development if it is likely to impact on a matter of national environmental significance.

The Secretary Guidelines issued for the proposal included advice that Applicant contact the Department of Sustainability, Environment, Water, Population and Communities to determine if any approval under the Commonwealth EPBC Act is required.

The Applicant's assessment against the National Heritage List Criteria and the National Heritage values of the Australian Alps concluded that the proposed development will not have a significant impact on the values of the Australian Alps National Park.

In addition, the Applicant's ecologist has commented that following consideration of the administrative guidelines for determining significance under the EPBC Act, it was concluded that the proposal is unlikely to have a significant impact on matters of National Environmental Significance or Commonwealth land, and a referral to the Commonwealth Environment Minister is therefore not recommended.

The Department notes the comments within the SEE that the Applicant considers a referral to the Commonwealth Environment Minister is not necessary.

#### Water Management Act 2000

The proposed development is classified as integrated development under section 4.46 of the EP&A Act as approval under the *Water Management Act 2000* is required.

The application was referred to the Natural Resources Access Regulator (NRAR) as works occur within 40 metres of a watercourse (Perisher Creek and its tributaries). The NRAR has issued General Terms of Approval for the development.

Prior to the commencement of work, the Applicant will need to obtain a Controlled Activity Approval under the *Water Management Act 2000*.

### 4.5 Mandatory Matters for Consideration

#### **Objects of the EP&A Act**

In determining the application, the consent authority is to consider whether the proposal is consistent with the relevant 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:

- the works are aimed at promoting the orderly and economic use of the site through providing a new chairlift to improve existing infrastructure located on the site for the benefit of visitors
- there would not be an unacceptable impact on the environment thus being ecologically sustainable development, with impacts upon native vegetation limited where possible
- 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 displaying the proposal on the Department's website during the exhibition period. The Department has considered the issues raised in the NRAR, DPI Fisheries and NPWS submission 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 works upgrade and improve existing facilities over primarily existing disturbed areas, thereby supporting the orderly and economic use of the site
- there would not be a significant impact on the environment
- 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 environment. The BC Act introduced a Biodiversity Offsets Scheme that applies when:

- the amount of native vegetation being cleared exceeds a certain threshold area; or
- the impacts occur within an area mapped on the Biodiversity Values Map (BVM) published by the Minister for Environment; or
- the 'test of significance', in section 7.3 of the BC Act, identifies that the development or activity is likely to significantly effect threatened species or ecological communities, or their habitats; or
- the works are carried out in a declared area of outstanding biodiversity value.

The proposed native vegetation clearing (3,600m<sup>2</sup> of the overall development footprint, which is 11,100m<sup>2</sup>) is below the threshold of 5,000m<sup>2</sup> (noting that the site includes two leases, a building lease and part of the licence area held by Perisher and therefore the lowest threshold is considered).

The Applicant submitted a Biodiversity Development Assessment Report (BDAR) to meet the requirements of the Biodiversity Assessment Method 2016 as the site is mapped on the Biodiversity Values Map. Further consideration assessment of the BDAR is provided in **Section 6**.

The BDAR also determined that the proposal is unlikely to have a significant impact on matters of National Environmental Significance (MNES) or Commonwealth land, and a referral to the Commonwealth Environment Minister is therefore not required.

There is currently no declared area of outstanding biodiversity value within KNP.

#### 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.

| (a)(i) any environmental planning<br>instrument (EPI) | The Alpine SEPP applies to the site for this type of development.<br>An assessment against the requirements of the Alpine SEPP is<br>provided in <b>Appendix B</b> . The Department is satisfied that the<br>application is consistent with the requirements of the Alpine<br>SEPP.  |  |  |
|---|--|--|--|
|   | The Applicant has also addressed <i>State Environmental Planning Policy No. 55 – Remediation of Land</i> for the potential remediation of land following the removal of the existing diesel fuel tanks. Refer to <b>Section 6.5</b> for discussion.  |  |  |
|   | Further consideration and approvals are required under <i>State Environmental Planning Policy (Infrastructure) 2007</i> for the upgrades to the electricity transformers. Discussions with NPWS have already commenced under Part 5 of the EP&A Act. Refer to <b>Appendix B</b> for discussion.  |  |  |
| (a)(ii) any proposed instrument                       | Not applicable to the proposal.  |  |  |
| (a)(iii) any development control plan                 | There is no development control plan applicable to the site.   |  |  |
| (a)(iiia) any planning agreement                      | Not applicable to the proposal.  |  |  |
| (a)(iv) the regulations                               | The application satisfactorily meets the relevant requirements of<br>the EP&A Regulation, particularly the procedures relating to<br>development applications (Part 6), fees (Part 15, Division 1) and<br>information and documentation required to be provided in the<br>development application (Part 1 of Schedule 1).<br>The Department has undertaken its assessment in accordance<br>with all relevant matters as prescribed by the regulations, the<br>findings of which are contained within this report where relevant. |  |  |
| (a)(v) any coastal zone management<br>plan            | Not applicable.  |  |  |
| (b) the likely impacts of that development            | The Department has considered the likely impacts of the development in <b>Section 6</b> of this report and considers that minimal environmental impacts are likely to occur as a result of the proposal.   |  |  |

## Table 2 | Section 4.15(1) Matters for Consideration

|  | The proposal is considered to have positive economic and social impacts with the introduction of the new lifting infrastructure.<br>Conditions are recommended to ensure impacts during construction are minimised and that rehabilitation and stabilisation occurs post construction.                    |
|--|---|
| (c) the suitability of the site for the development,                     | The site is suitable for the proposal having regard to the PBSSMP (see discussion in <b>Section 3</b> ). The replacement of the existing chairlifts is generally consistent with the intent of the PBSSMP of provision for a new six-seat chairlift within the immediate locality.                        |
|  | The positioning of new structures and alignment of the chairlift<br>has regard to sensitive vegetation, proposes to utilise existing<br>disturbed areas and with the implementation of recommended<br>geotechnical requirements, the overall proposal is considered to<br>be suitable for the site.       |
|  | Refer to further discussions in <b>Sections 6</b> of this report.   |
| (d) any submissions made in accordance with this Act or the regulations, | Consideration has been given to agency submissions received during the exhibition period. See <b>Section 5</b> of this report.  |
| (e) the public interest.   | The works are consistent with the aim and objectives of the<br>Alpine SEPP, would be compatible to the uses of the locality and<br>there would not be an adverse impact on the environment. The<br>proposal is consistent with the principles of ESD.<br>As such, the proposal is in the public interest. |

## 5 Engagement

## 5.1 Department's Engagement and Submissions to Original Application

The application was lodged on 19 December 2020 and the Department considered public exhibition requirements in accordance with the following:

- the Department's CPP (November 2019) for 'nominated integrated development' as a Controlled Activity Approval under the *Water Management Act 2000* is required for the development to be carried out (works are proposed within 40 metres of Perisher Creek. This required the application to be publicly exhibited for a minimum of 28 days.
- the 'advertised development' provisions in accordance with Clause 27 of the Alpine SEPP (repealed in November 2019 with the introduction of the Department's CPP) and Secretary Guidelines requirements under Clause 13 of Schedule 6 of the *Environmental Planning and Assessment Regulation, 2000* (EP&A Regulation). The Department issued Secretary Guidelines for the new ski lift line on 12 December 2018. This required the application to be publicly exhibited for a minimum of 28 days.

The Department exhibited the application between 16 January 2020 and 21 February 2020 on the Department's website, at the DPIE Jindabyne Office (Shop 5A, 19 Snowy River Avenue, Jindabyne) and at Service NSW Centres locally.

The application was also forwarded to State government agencies in writing, including:

- NPWS pursuant to clause 17 of the Alpine SEPP
- NRAR pursuant to Section 4.46 of the EP&A Act (integrated development) as a controlled activity approval under the *Water Management Act 2000* is required for the development to be carried out (works are proposed in and within 40 metres of Perisher Creek)

### Submissions to original application

The Department received comments from the NPWS and NRAR and no public submissions objecting to the application. The Department placed copies of all submissions received on its website and requested the Applicant provide a response to the issues raised in the submissions.

The NPWS did not object to the proposal and provided comments and recommended conditions on leasing and the KNP Plan of Management, BC Act and BDAR, impacts on threatened species, rock removal, access road upgrade, rehabilitation and monitoring, the NPWS communications hut and UPSS removal, minimising impacts to natural values, Aboriginal cultural heritage. The NPWS recommended additional details be provided in regard to:

- the recommendations of the BDAR (Skink exclusion zone and Montane peatlands)
- rock removal
- access road upgrade
- the management of the base station and chair shed

The NRAR did not object to the proposal and provided General Terms of Approval (GTA) which included requirements for the design of the works and structures, erosion and sediment controls, plans, standards and guidelines and reporting requirements. A Controlled Activity Approval under the *Water Management Act 2000* (WM Act) is still required to be obtained after consent has been issued and before the commencement of any work or activity.

## 5.2 Response to Submissions to Original Exhibition

On 23 July 2020, the Applicant provided a response to submissions (RtS) (**Appendix A**) raised during the exhibition of the proposal and to the Department's request for additional information dated 14 January 2020, with extracts of that commentary including:

- The methodology of the removal of the underground fuel tanks
- Outline of amendments to specialist reports
- The design of the Perisher Creek culvert and potential flood impacts
- The replacement of electrical transformers
- The demolition of the NPWS communications hut and consultation with NPWS
- Details of grooming routes
- Details of snowmaking works
- Relocation of the Eyre T-bar
- Conveyor pit details
- Cut and fill details
- Amendment of lease boundaries in a separate da process in consultation with NPWS
- Management of the base station and chair shed

## 5.3 Department's Engagement to Response to Submissions

Following the receipt of the RtS on 23 July 2020, the Department did not re-exhibit the application, however placed the documentation on the Department's website and referred the RtS to NPWS, NRAR and also to DPI Fisheries for consideration under the *Fisheries Management Act 1994* given Perisher Creek contains the Snowy River Endangered Ecological Community (EEC) listed under the FM Act).

Note: The Department did not originally send the proposal to DPI Fisheries on the belief that NRAR would comment on the EEC or seek comments from DPI Fisheries prior to providing their GTA's. Since this did not occur during the original exhibition process, the Department facilitated this discussion.

### State Government Agency Submissions to Applicant's RtS

The Department received comments from NPWS, NRAR and DPI Fisheries and placed copies of all submissions received on its website.

NPWS provided additional comments on leasing, timing of the NPWS communications hut demolition, access road upgrade, rehabilitation and monitoring plan preparation, aboriginal cultural heritage and the Underground Petroleum Storage Systems (UPSS) removal. NPWS also confirmed that the additional information addressed previous concerns with the submitted BDAR and that further discussions would be held with the Applicant on the proposed rock removal and Guthega Skink exclusion zones.

The NRAR advised that the amended plans / information do not alter the GTA previously issued. NRAR requested they be notified if any further amendments result in more than minimal change to the proposed development or if additional works or activities are proposed.

DPI Fisheries did not object to the proposal and provided comments on sedimentation, pollutant run off riparian buffer zones and the design and construction of waterway crossings. DPI Fisheries requested further information regarding potential impacts on adjacent waterways or aquatic habitats and the detailed design or assessment of the proposed drainage line discharging directly to Perisher Creek.

## 5.4 Applicant's Supplementary Response to Submissions

On 21 October 2020, the Department requested the Applicant provide a response to the issues raised in the agency submissions to the RtS and provide additional information to address matters raised by the Department.

A Supplementary RtS was received on 1 February 2021 which included:

- Revised DA Plans including the location of existing conduit for the Up-hill Safety Line, updated culvert bridge, updated bottom and top station sections and drainage outlets details for the bottom station
- Response to DPI Fisheries including a Test of Significance for the Snowy River Aquatic EEC
- Remedial Action Plan for the UPSS decommissioning and validation works
- Revised Geotech Report and Form 1
- Updated Loading Conveyer Plan
- Revised Plan of existing Eyre T-Bar Bullwheel Structure
- RFID Gate Plan
- Snowmaking Line Plan
- Demolition Schedule

### State Government Agency Submissions to Supplementary RtS

NPWS noted:

- the relocation of the proposed crossing, the increased span, and the additional rock armouring on the downstream side of the crossing (where the existing ford crossing is located). NPWS have no concerns with these changes
- that the stormwater outlet at the base station does not discharge directly into the creek and will include an energy dissipater. These measures are considered appropriate and consistent with the nearby Leichardt Chairlift

- that if construction methodology for the skier bridge piles changes from the screw pile method currently
  proposed, the proponent is to liaise with NPWS to identify and mitigate any adverse environmental
  impacts of that change
- that the applicant is required under the *Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2019* to keep an 'incident log' and to retain these documents for seven years from the date of decommissioning.

The NRAR advised that the previously issued GTA are adequate, remain current, and no further assessment by this agency is necessary. Should the proposed development be varied in any way that results in development extending onto land that is waterfront land, or encompassing works that are defined as controlled activities, then the NRAR should be notified.

DPI Fisheries noted the clarification of the drainage dissipater from the bottom station away from the bank of Perisher Creek and the amended culvert location and construction details. Further consideration of the drainage dissipater and culvert design is to occur during the CAA assessment to be undertaken by NRAR, in conjunction with DPI Fisheries.

The Department has considered all the comments received from the NPWS, NRAR and DPI Fisheries 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
- Access works
- Impacts on Perisher Creek and adjoining riparian area
- Visual impacts
- Underground petroleum storage systems removal
- Construction 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. The Department's assessment of the potential environmental impacts of the proposal along with appropriate mitigation and management measures are considered below:

#### **Endangered Species and Communities**

In support of the proposed works, the Applicant submitted a BDAR as required under the BC Act due to the development area being identified on the Biodiversity Values Map (**Figure 12**) as having an area of high biodiversity value, which triggers the Biodiversity Offset Scheme.



## Figure 12 | Biodiversity Values Map illustrating the site containing high biodiversity value (Source: Biodiversity Values Map and Threshold Tool)

The sensitive nature of the site was confirmed by the NPWS, who commented that the site is also identified in the Perisher Range Resort Ski Slope Master Plan as an area of high connectivity importance.

The BDAR identified that the proposed development site is approximately 1.1ha in size, of which 0.36ha is proposed to have impacts upon native vegetation and associated habitats. This 0.36ha is located on the edge of existing disturbed areas and consequently is already disturbed to varying degrees.

The BDAR also identified that proposed development site supports four plant community types, comprising 'Alpine grassland / herbfield and open heathlands in Kosciuszko National Park, Australian Alps Bioregion', 'Alpine shrubland on scree, blockstreams and rocky sites of high altitude areas of Kosciuszko National Park, Australian Alps Bioregion', 'Alpine and sub-alpine peatlands, damp herbfields and fens, South Eastern Highlands Bioregion and Australian Alps Bioregion' and 'Alpine Snow Gum shrubby open woodland at high altitudes in Kosciuszko NP, Australian Alps Bioregion'. In addition, three threatened fauna species, Guthega Skink, Broad-toothed Rat, and Flame Robin were found to occur within the development site (**Figure 13**). The Alpine She-oak Skink was assumed to be present given the presence of suitably open and grassy habitats within the development site and surrounds. One individual of the threatened flora species Anenome Buttercup was also detected within the development site.



Figure 13 | Extract of top station with the adjoining identified Guthega Skink locations (Source: Applicant's documentation)

As a result of the proposed works, the BDAR determined that 10 ecosystem and 24 species credits are required to offset the unavoidable impacts to the vegetation and habitats present within the works area.

The BDAR also states that the proposal will not result in any Serious and Irreversible Impacts (SAII) with respect to the principles set out in clause 6.7 of the *Biodiversity Conservation Regulation 2017*. The Department also considers that the proposal is unlikely to cause SAII following a review of the *Guidance to assist a Decision-Maker to Serious and Irreversible Impacts 2017*.

The NPWS raised concerns over the impact of the proposal on threatened species (Guthega Skink and Alpine She-oak Skink) as provided within the BDAR. Additional justification for the proposal (including the location of the stations in proximity to vegetation types) and consideration of potential impacts across all species was recommended with particular regard to the Guthega Skink and Alpine She-oak Skink. In particular, the Guthega Skink assessment was considered important due to the population within the proposed top station area was considered to represent a region of important connectivity and the importance of maintaining suitable habitat in the landscape.

In response to the comments from NPWS, the Applicant's ecologist provided the following comments:

- The proposal has been designed to avoid, minimise, and offset biodiversity impacts. The proposal will
  include ongoing monitoring of the Guthega Skink colony on Mount Perisher and it is expected that the
  consent would be conditioned to require monitoring, consistent with the monitoring that has been
  undertaken for the Leichhardt Chairlift project. Similarly, it is expected that the consent would be
  conditioned to require a rehabilitation plan to be developed and implemented.
- The proposed top station will not shade, outside of the winter months, any locations where Guthega Skinks have been observed.
- To offset some of the potential prescribed impacts on the Guthega Skink and Alpine She-oak Skinks, additional offset measures have been proposed, specifically the installation of three fauna crossings across disturbed areas along the proposed lift alignment.
- The location of the bottom station was chosen to achieve necessary fall and provide sufficient space for queuing. The shape of the building was also considered and decided that a longer rather than a squarer shape was preferred despite encroaching into Montane Peatland. The addition of a retaining wall rather than a batter was also preferred to reduce impacts.

The NPWS did not raise further concerns with the submitted BDAR following the receipt of the additional information from the Applicant. NPWS recommended conditions to be included within the consent for the adoption of the BDAR including the implementation of the measures to minimise, mitigate and manage impacts and retirement of the ecosystem and species credits.

In addition, and as noted by the Applicant, the NPWS recommended the preparation of a Rehabilitation and Monitoring Plan, which is to include pre and post construction monitoring of the Guthega Skink and identification of exclusion zones (around identified locations – refer below for further comment). The NPWS also supported the inclusion of fauna crossing at locations to be determined following further discussions.

The preparation of a Rehabilitation and Monitoring Plan, with consultation with NPWS, ensures that monitoring of the site works is to occur and rehabilitation of impacts be addressed appropriately.

With the proposed measures to minimise and mitigate impacts to the works area impacts where possible and the recommended conditions requiring the retiring of ecosystem and species credits, the Department is satisfied that the biodiversity impacts of the proposal would be appropriately offset. The Applicant through considerations of the environmental sensitivity of the site has ensured impacts are reduced and to an acceptable level when considering the nature of the development, being the construction of a new chairlift.

The Department considers the BDAR to be adequate and that impacts to the identified plant community types, and threatened flora and fauna species have been sufficiently avoided and mitigated.

### **Rock removal / reduction**

To facilitate access from the new top station offload area to adjoining ski areas, individual or groups of rocks are to be either removed or reduced.

The Applicant has identified rocks that would obstruct the safe grooming and use of this access, while also having regard to retention if they have been identified as a Guthega Skink site. Some of the rocks are to be removed oversnow, to minimise machinery impacts and also utilisation of snow to cover the rock during the blasting process. Rocks would then be placed on the leeward side of the remaining rocks or utilised for habitat. No earthworks are expected as part of these works, with the existing vegetation located adjacent to the rocks retained.

An exclusion zone is to be provided around the identified Guthega Skink sites to ensure that works do not occur within this zone.

NPWS provided comments on the proposed rock works and advised that further discussions direct with the Applicant are to be held including the methodology, timing, and location. All rock removal methods must be supported by NPWS prior to any rock removal works occurring.

NPWS also commented that the proposed exclusion zone should be included in any Rehabilitation and Monitoring Plan and the SEMP.

An Environmental Officer, appointed by the Applicant, is recommended to check the rocks for fauna prior to the works occurring and peel back any vegetation around the rock to assist in minimising accidental damage to vegetation.

The Departments supports the rock removal / reduction aspects of the proposal subject to the implementation of a number of conditions. The inclusion of over snow components reduces impacts upon the existing environment to an acceptable level and the provision of the exclusion zone, would also ensure impacts upon Guthega Skink to be further mitigated.

Ongoing rehabilitation and monitoring of the rock removal / reduction works areas are also considered important and a condition is recommended to address this component.

#### Conclusion

The Department is satisfied the Applicant has taken the appropriate steps to avoid, minimise and offset the proposal's biodiversity impacts consistent with the principles of the BC Act and Regulation.

The Department considers the BDAR has appropriately considered the biodiversity impact of the proposal works and the proposal's biodiversity impact is limited to the extent necessary to enable construction of the new chairlift and associated works. The Department therefore considers the proposal is acceptable subject to the following conditions:

- retiring of the class and number of credits to the Biodiversity Conservation Fund as determined in the Biodiversity Credit Report, Appendix D of the BDAR submitted for the proposal
- preparation of a rehabilitation and monitoring plan, with the inclusion of an exclusion zone plan for identified Guthega Skink sites to be avoided
- rehabilitation of disturbed areas and the appointment of an Environment Officer to monitor works

## 6.2 Access works

#### **New crossing over Perisher Creek**

For access to the new tower locations, new top station and ski slope works, the Applicant proposes to provide a new culvert across Perisher Creek adjoining the double chairlift bottom station (**Figure 14** and **15**). The construction of the new culvert would remove the need for vehicles to drive through the creek, as is currently the case, and is similar to other culvert applications considered downstream.

The proposed culvert is designed to be similar but larger than the approved culvert located downstream at the east ford crossing of Perisher Creek. The culvert is proposed to not restrict water flowing within the creek under the Mount Perisher double chairlift platform located upstream.



Figure 14 | Approximate culvert location and adjoining Perisher Creek (Source: Department inspection)



Figure 15 | Proposed culvert design (Source: Applicant's documentation)

In accordance with Clause 24 of the Alpine SEPP, the Departments assessment has considered the:

• 'Floodplain Development Manual: the management of flood liable land'.

The Department has formed the view that the installation of a culvert across Perisher Creek is not considered to impact considerations within the *Floodplain Development Manual*.

Works within and adjoining Perisher Creek and its tributaries (being a culvert and skier bridges) are non-habitable and are designed to not impact the flow of water along Perisher Creek, with the structures designed to enable water to pass beneath.

• Impact of the works and whether the site would be inundated as a result of a 1 in 100 year flood level.

The Department requested a hydrology analysis of the proposed culvert design based on a 1:5, 1:20 and 1:100 event with adequate clearance to the underside of the proposed culvert height. This was on the basis that no flood studies have occurred within the proximity of the site by the Applicant or NPWS, with studies predominantly focused towards the main Perisher Centre and adjoining areas.

The Applicant provided the following comments in support of the proposal:

- being located upstream from a previously approved culvert, this would equate to a smaller catchment and smaller amount of water volume
- the span of the proposed culvert is 4.2 metres (originally 2.4 metres), with the increased span over the downstream culvert ensuring that the stream bank is not disturbed although stream flows at the proposed culvert location are significantly less than those experienced downstream

The amended design also indicates that the underside of the culvert (RL1732.85) is proposed to be at the same as the top of the adjoining Mount Perisher double chairlift platform.

As a result, based on an assessment of the proposal and noting the existing height of the bottom station lift station, the Department supports the culvert design as it is considered that the new culvert would not impact on the channel under the Mount Perisher double chairlift platform and will flow unimpeded through the culvert. The rehabilitation of the existing track is also supported with the introduction of armour rock work.

The Department also notes that the final design of the culvert and channel works is part of the CAA assessment to be undertaken by NRAR and DPI Fisheries.

### Upgrade to existing access track

Once over Perisher Creek, the existing dirt access track that provides vehicle access to the top of Mount Perisher and the associated infrastructure (top lift stations, communications hut, ski slopes, etc) is to be upgraded to enable construction vehicles to traverse along the track. The existing dirt track is not fit for the expected construction traffic and at times can be inundated with water / mud (**Figure 16**).

The access track is to be updated similar to that undertaken to the top of the Freedom Chair in Guthega, incorporating improved drainage, erosion control measures and gravel surface.



Figure 16 | Sample of current dirt track provided at lower areas (Source: Applicant's documentation)

NPWS requested additional information prior to providing further commentary following concerns that the proposed upgrades to the access track have the potential to cause environmental impacts such as runoff and impacts upon adjoining vegetation and habitat.

The Applicant did not provide additional information however stated that the works would only be provided within the existing disturbed area and not traverse into the adjoining vegetation. Any existing fauna crossings impacted as a result of the works are to be remedied and three additional fauna crossings are also proposed.

NPWS has therefore recommended that the works be completely contained to the existing road and must not create any additional environmental impacts. Therefore, no new drainage works are permitted as part of the upgrade works and all water diversions, sediment runoff, erosion controls and gravel management must not cause additional impacts to any vegetation.

The Department notes the comments received from NPWS and has recommended that the disturbance area not encroach on areas outside of the current access track. The Environment Officer appointed to oversee the works under the consent is to also ensure compliance with this recommendation.

The Department has recommended the submission of detailed construction plan of the upgrade for sign off prior to commencement of these works. This would enable a review of the information prior to the works being carried out. Department signoff of the works following completion is also required.

#### **Skier bridges**

Two new skier bridges are also proposed to be installed (one replaces an existing small timber bridge) over a tributary to Perisher Creek and is close to the new bottom station location (**Figure 17**). One existing skier bridge is already provided beneath the new chairlift alignment that is to be retained.

The Applicant indicates that the bridges are designed to cater for both skiers and also grooming machines (decking constructed of steel mesh to allow for sunlight and rainfall to penetrate the vegetation below), particularly during marginal conditions, as a result of the new chairlift. It is proposed to utilise screw piles to reduce impacts upon the existing vegetation and also commence the works from the proposed bottom station side which is largely disturbed.



Figure 17 | Proposed skier bridge locations (Source: Applicant's documentation)



Figure 18 | Proposed skier bridge screw pile details (Source: Applicant's documentation)

NPWS raised no concerns with the proposed skier bridge or their construction, however noted that if the construction methodology changes from the screw pile method, the Applicant is to liaise with NPWS to identify and mitigate any adverse environmental impacts.

The Department notes that should this occur, a modification application would need to be submitted for approval prior to undertaking these works, with consideration of comments from NPWS at that time.

Based on the current design and construction methodology the Department does not raise any concerns with the proposed skier bridges. The Department has recommended that any form of footing or foundation system for the skier bridges other than a screw pile system is not supported, ensuring the use of the screw pile system.

## 6.3 Impacts on Perisher Creek and adjoining riparian area

Further to discussions in **Section 6.2**, consideration of the proposed works on Perisher Creek, the Snowy River Endangered Ecological Community (EEC) and adjoining riparian zone is an important component of the application.

DPI Fisheries raised concerns regarding the potential impacts of the proposal on adjacent waterways or aquatic habitats, as well as the design of the proposed drainage line discharging directly into Perisher Creek. Perisher Creek and its tributaries form part of the Snowy River Aquatic Endangered Ecological Community (EEC) listed under the FM Act. The river is considered to be a Type 1 (highly sensitive) Class 1 (major) Key Fish Habitat (KFH).

DPI Fisheries recommended that the detailed designs aim to achieve an objective of Neutral or Beneficial Effect (NorBE) on water quality within adjacent waterways, as well as the design and construction of any watercourse crossing be undertaken in accordance with the Department's *Policy and Guidelines for Fish Friendly Waterway Crossings (2004)* and *Why Do Fish Need to Cross the Road? Fish Passage Requirements for Waterway Crossings (2004)*.

The Applicant has provided a:

Test of Significance for the Snowy River Aquatic EEC. The specialist test concluded that the small area
of habitat that will be directly impacted by the proposal is not important to the long-term survival of the
Snowy River Aquatic EEC. Further, the specialist test acknowledges that the proposal has been
designed to minimise any direct or indirect impacts on Perisher Creek and therefore significant adverse
impacts are highly unlikely.

The assessment mentions that the primary concerns of the impacts of the proposal on waterways, wetlands and groundwater are the temporary disturbances associated with the proposed culvert, the proposed chair shed encroaching on the Perisher Creek bog and the proposed footings for the skier bridges where they encroach on the Perisher Creek tributary bog.

• Water Resources Assessment to evaluate the impacts of the proposal on watercourses and riparian land, wetlands and groundwater and groundwater dependant ecosystems.

The assessment concluded that during construction phases, water resources outside of the construction footprint are unlikely to be impacted by the proposal and there are no anticipated changes in surface or subsurface hydrology that would lead to modification of any waterways. The assessment determined that the anticipated minor impacts on water resources of the proposal combined with the

mitigation measures proposed by the Applicant will meet the objectives for water resources identified in the NRAR guidelines.

DPI Fisheries has reviewed the submitted information and noted the drainage outlet from the bottom station has been moved from discharging directly into Perisher Creek. DPI Fisheries recommended that the distance of the vegetated area be maximised to increase filtration and the dissipater be provided as far back from Perisher Creek as practical.

As noted above in **Section 6.2**, the final design of the culvert and channel works is also part of the CAA assessment to be undertaken by NRAR and DPI Fisheries. The use of the proposed rock armouring beneath the culvert and along the previous track through Perisher is also to be further reviewed following determination by the Department.

The Department in its assessment has also considered the likelihood of flooding impacts upon the proposed works consistent with Clause 24 of the Alpine SEPP (refer to discussion in **Section 6.2** and **Appendix B**), noting that the buildings are also non-habitable. With the location of the new bottom station being located on top of an existing embankment from Perisher Creek and the nature of the flows through Perisher Creek or its tributaries, the Department is of the view that the proposal would not be impacted from flood waters or overland flows from snow melt.

The Department is satisfied that the proposal would not adversely impact Perisher Creek, the Snowy River Aquatic EEC, or the riparian area. Construction impacts are capable of being managed subject to compliance with relevant agency requirements.

## 6.4 Visual Impacts

The visual impact of the proposed new chairlift within the context of the ski fields and the Main Range is a key issue in the application. The chairlift and associated infrastructure would be visible from a number of areas, predominantly from Kosciuszko Road located to the south (**Figure 19**) and partly through / above vegetation when viewed from the central car parking / village area to the northeast.

Clause 14(1)(i) of the Alpine SEPP requires the consent authority to take into consideration any visual impact of a proposed development, particularly when viewed from the Main Range, when determining a development application.

Being located on the tallest mountain within Perisher Range Alpine Resort, the existing facilities are visible from the Main Range. While the proposal involves the reduction of ski lifting infrastructure (with the demolition of the two chairlifts and the replacement with a new chairlift), the inclusion of a new larger top station at a higher elevation, consideration of visual impacts is an important component of the suitability of the proposal in the context of the site.

The existing character of the proposed site is that of a developed ski resort, with two current chairlifts, existing access roads, top and bottom stations, haul ropes, lift towers and disturbed areas of vegetation (**Figure 19**). The ski slope has been developed to include ski runs, chairlifts, snowmaking equipment, a restaurant, workshops, and other ancillary facilities.



Figure 19 | Existing bottom station and ski run from Kosciuszko Road (Source: Department inspection)

The Applicant's Visual Assessment states that:

- upon entry of the resort, Mount Perisher is visible as a backdrop to the wider resort
- the top station profile has been designed to be a low profile skillion and has a highest point at RL 2052.0m AHD at the front / RL 2050m AHD at the rear (shedding snow to the rear of the building), be lower than the rocky outcrop behind that has an RL of 2053 m AHD and RL 2054m AHD (Figure 20)
- views from Mount Tate and Mount Twynam were considered and the site was not highly visible, particularly with a dark natural tone colour palette would ensure its visibility was limited
- the bottom station and chair shed have been designed to achieve operational requirements and to be consistent with other lift structures within the resort



Figure 20 | Impression of top station in relation to rocky outcrop on site (Source: Applicant's documentation)

The Departments assessment identifies that the overall visual impact will be reduced in comparison to the existing two chairlifts. The proposal includes a top and bottom station and 10 towers, compared to the existing two bottom and two top stations, communications hut and combined 27 towers. The proposal will reduce the built form within the natural environment.

The Department concludes that the proposal is not envisaged to have an adverse visual impact as:

- the proposed top station is within proximity of the adjoining rocky outcrop which would assist in screening the works, along with the materials and finishes, from the Main Range
- the new chairlift reduces the overall visual impact from other areas of the resort and Kosciuszko Road, however, is of a similar nature
- the new bottom station is similar to other ski slope infrastructure further towards Front Valley such as the Quad Express chairlift bottom station and compliments adjoining buildings (Powder Inn and mechanical workshop)

## 6.5 Underground Petroleum Storage Systems Removal

Two existing 10,000L fuel tanks previously utilised to store diesel fuel for the operation of the Mount Perisher chairlift are to be decommissioned and removed from the site (**Figure 21** and **22**). The location of the new bottom station and chair shed requires the removal of the fuel tanks.



Figure 21 | Location of underground fuel tanks – north side of existing bottom station loading area (Source: Applicant's documentation)

The Applicant's consultant, Ground Doctor Pty Ltd, has prepared a Remedial Action Plan for the decommissioning of the fuel tanks and validation of the site. Ground Doctor comments that while a concrete slab has been installed on the surface above the tanks, the tanks are believed to be approximately 2.2 metres in diameter and approximately 3 metres in length. Fuel lines and a dispenser are also to be removed, some of which are currently provided above ground and attached the existing bottom station.

Six monthly monitoring of groundwater at the site has occurred since November 2012 by Ground Doctor, with no identified evidence of petroleum hydrocarbon contamination in the groundwater during this time – after reviewing the data from the existing five groundwater monitoring wells within the vicinity – as marked in **Figure 22**.



## Figure 22 | Location of underground fuel tanks and existing monitoring wells around the site (Source: Applicant's documentation)

After the fuel tanks have been removed, soil samples will be taken, and a site validation report will be submitted to the Principal Certifier. The Applicant notes that any contaminated material removed from the site will be disposed of at an appropriately licenced waste management facility in accordance with the relevant standards and conditions of consent.

The NPWS comments on the procedures to be followed prior to commencement of the works, during the removal and upon completion of the remediation and validation. The NPWS has recommended conditions to be incorporated in the consent, should the application be approved.

The Department has reviewed the information provided by Ground Doctor and is satisfied that subject to compliance with the report recommendations, the removal of the tanks and site validation can be handled appropriately. It is also noted that Ground Doctor will observe and document the decommissioning of the tanks.

The Department has recommended conditions of consent for the decommissioning and validation of the tanks consistent with UPSS removal requirements and noting the comments received from Ground Doctor and NPWS.

## 6.6 Construction and machinery

Proposals within the Alpine resorts are required to consider their impact of construction activities upon the environment. While there will be staging areas to facilitate the works (some of which will be offsite), existing access arrangements are also to be improved.

The Applicant comments that machinery to be used has not been determined at this stage, until a lift manufacturer and contractor has been appointed. However, proposals of this nature typically include a mix of small to large size excavators (13 tonne – 30 tonne), and tracked HD carriers (as required).

The Applicant has recommended a condition be imposed for details of the machinery to be utilised to be provided prior to the issue of a Construction Certificate.

The NPWS recommended standard machinery conditions for works on ski slopes, included that machinery to be cleaned prior to entry in KNP and that materials and equipment, including staging areas, must be stored within the existing lift disturbance area or on existing disturbed areas (ski slopes) and should not be stored on native vegetation.

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 in the recommended conditions along with a designated Environmental Officer being appointed by the Applicant to oversee condition compliance prior to the commencement and during works.

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

## 6.7 Other issues

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

| Issue                               | Assessment   | Department Consideration and Recommendation   |
|-------------------------------------|--|---|
| Managing<br>construction<br>impacts | <ul> <li>Parking is available adjoining the site during construction at the top and bottom stations of the new alignment.</li> <li>Construction impacts such as noise and vibration will be short term and managed in accordance with standard environmental conditions. It</li> </ul> | The Department has recommended<br>standard construction conditions applied<br>in the Alpine area.<br>Subject to compliance with these<br>conditions, the Department is of the view<br>that the proposed works would not |

### Table 3 | Summary of other issues raised

|                                  | <ul> <li>is also noted that construction is likely to occur outside the ski season.</li> <li>The Applicant notes that having a single overall DA plan with all the combined information, rather than separate plans is considered a better approach for construction management.</li> </ul>  | impact significantly upon nearby buildings or the environment.  |
|----------------------------------|--|---|
| Rehabilitation<br>and Monitoring | <ul> <li>The proposal is located primarily within previously disturbed areas.</li> <li>Rehabilitation of the towers 3-9 and 13 of the existing triple chairlift, which are not located within disturbed areas, is proposed to ensure aboveground concrete footings are removed and topsoil placement and planting occurs.</li> <li>Rehabilitation of the towers 4-7 of the existing double chairlift, which are not located within disturbed areas, is proposed to ensure aboveground concrete footings are removed and topsoil placement and planting occurs.</li> <li>Rehabilitation of the towers 4-7 of the existing double chairlift, which are not located within disturbed areas, is proposed to ensure aboveground concrete footings are removed and topsoil placement and planting occurs.</li> <li>Rehabilitation of the proposed new bottom and top station construction footprints are proposed which includes the removal of existing structures. The construction footprints as well as the existing triple chairlift footprint is proposed to be rehabilitated using a mix of 50:50 poa/fescue mix.</li> <li>Rehabilitation of the areas proposed to be disturbed during construction of the new towers 3-8 for access and trenching is proposed by planting of low heath and poa.</li> <li>Sod replacement is proposed to cocur to rehabilitate trenching required for the proposed bottom station.</li> </ul> | The Department is satisfied that the<br>carrying out of the rehabilitation methods<br>will ensure any disturbed areas will be<br>adequately rehabilitated and any<br>previously disturbed areas will remain at<br>the current level of disturbance for the<br>intended use of the area.<br>The Department has recommended a<br>condition to require a detailed<br>Rehabilitation and Monitoring Plan to<br>ensure the carrying out of these<br>rehabilitation works and monitoring. |

| Geotechnical        | <ul> <li>The Applicant has provided a<br/>geotechnical assessment in support<br/>of the proposal by Asset<br/>Geotechnical Engineering Pty Ltd.</li> </ul>   | The Department raises no concerns with<br>the proposal, subject to implementation<br>of the recommendations as proposed by<br>Asset Geotechnical Engineering Pty Ltd.  |
|---------------------|--|--|
|                     | • The assessment states that provided<br>the development is carried out in<br>accordance with the<br>recommendations, a Low Risk is<br>assessed with respect to property<br>(during and post construction) and<br>the risk to life is assessed as<br>Acceptable (during and post<br>construction). | Conditions are recommended to ensure<br>the recommendations are implemented<br>and also that further certification is<br>provided throughout the construction<br>phase in accordance with the<br>Department's Geotechnical Policy. |
|                     | • Recommendations include that geotechnical inspections are required following footing excavations, cut batters and where filling is required.   |  |
|                     | • A Form 1 'Declaration and certification made by geotechnical engineer or engineering geologist in a geotech report' was provided that seeks compliance with the geotech report'.   |  |
| People<br>Movement  | • The replacement of the two chairlifts (double and triple) with a singular chairlift is not intended to greatly change people movements around the Perisher resort.   | No recommended conditions required.  |
|                     | • The proposed new chairlift will ease<br>pressure on other areas of the resort<br>including the existing T-bars within<br>the Mount perisher precinct.  |  |
|                     | • The proposed chairlift will improve<br>the efficiency, safety and speed of<br>moving skiers through the precinct.  |  |
| Lease<br>Boundaries | • The lease boundaries associated with the triple chairlift, double chairlift and the base of Mount Perisher are proposed to be amended in   | The Department has recommended a condition to require the Applicant to consult with the NPWS to determine any lease required, and the appropriate lease  |

|  | <ul> <li>accordance with the provisions of<br/>Clause 12 of the Alpine SEPP.</li> <li>These amendments are proposed to<br/>be executed separate to this DA in<br/>consultation with NPWS.</li> </ul>   | be obtained and in place prior to the commencement of construction works.  |
|--|--|--|
| Storage of<br>existing terrain<br>park materials | <ul> <li>Following the completion of the snow season, the Applicant currently transports all terrain park infrastructure (pipes, boxes etc) to below the current Mount Perisher triple chairlift.</li> <li>NPWS have requested a review of this current arrangement and that any new location not have additional environmental impacts.</li> </ul>  | With the establishment of the new<br>bottom station and chair shed towards<br>the embankment that the terrain park<br>infrastructure resides, an opportunity to<br>relocate / manage this area is provided.<br>The Department has excluded any<br>formal endorsement of the current<br>arrangement this from the consent,<br>enabling additional discussion by NPWS<br>with the Applicant on future<br>arrangements.   |
| Communications<br>Hut                            | <ul> <li>The proposal requires the removal of the existing NPWS communications hut – the new top station is proposed in this location, with the communication equipment to be temporarily located within a storage container.</li> <li>The Applicant has consulted the Perisher Municipal Services Unit (MSU) of NPWS including internal consultation with emergency service agencies.</li> <li>The new proposed top station building has been designed to satisfy the NPWS requirements.</li> <li>NPWS have reviewed the proposed new top station building and concur with the submitted design and plans for the communications housing. NPWS have recommended that no works occur without NPWS approval and that a staging plan be prepared before commencement.</li> </ul> | Following additional discussions<br>between the Department, the Applicant<br>and NPWS, the demolition of the<br>communications hut is able to be<br>facilitated under the current application.<br>This is on the basis that a new lease for<br>the site from the Minister for the<br>Environment is to be provided (noting<br>that landowners consent has already<br>been obtained for the application to be<br>lodged).<br>With this lease in place, the works would<br>then not be by or behalf of the Crown or<br>a public authority.<br>Consideration of a staging plan as<br>requested by NPWS is appropriate to<br>ensure communication services are<br>available during demolition and<br>construction. |
| Electrical<br>Transformers                       | • To facilitate the operation of the new chairlift, upgraded power is required   | The Department acknowledges the need for the upgrades to the existing electrical   |

|   | and                        | two               | existing                  | electrical                 | transformers,               | however         | separate      |
|---|----------------------------|-------------------|---------------------------|----------------------------|-----------------------------|-----------------|---------------|
|   | transfo                    | ormers a          | are to be rep             | laced.                     | approval unde               | er the Infrastr | ucture SEPP   |
| • | One e                      | lectrica          | I transforme              | r is located               | is applicable fo            | or these work   | s to occur.   |
|   | at the                     | top of            | the mountain              | n adjoining                | This requires a             | additional disc | cussions with |
|   | the sk                     | i patrol          | building and              | d the other                | NPWS, as the                | e site is loca  | ated within a |
|   | at the                     | bottom            | of the mour               | ntain to the               | national park.              |                 |               |
|   | east o<br>Mount<br>station | f the ac<br>Peris | cess road o<br>sher doubl | pposite the<br>e chairlift | Further disc<br>Appendix B. | ussion is       | provided in   |

## 7 Evaluation

The Department has assessed the merits of the proposal in accordance with the relevant requirements of the EP&A Act. The Department's assessment concludes the proposal is acceptable as:

- the proposal is permissible with consent under the Alpine SEPP
- 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
- the proposal will complement the surrounding setting with the works providing opportunities for improved safety, efficiency and speed of skier movement within perisher resort
- construction impacts are acceptable with the inclusion of requirements to ensure impacts are minimised
- the works are consistent with the regional plan for the locality and the Alpine 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 and Public Spaces:

- 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 10115, subject to the conditions in the attached development consent
- signs the attached development consent and recommended conditions of consent (see attachment).

#### **Recommended by:**

exton

Tahlia Sexton Planning Officer Regional Assessments

9 September 2021

Mark Brown.

Mark Brown Senior Planner Alpine Resorts Team

## 9 Determination

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

**Daniel James** Team Leader Alpine Resorts Team

as delegate of the Minister for Planning and Public Spaces

9 September 2021

## Appendices

## Appendix A – List of referenced documents

The following supporting documents and supporting information to this assessment report can be found on the Department of Planning, Industry and Environment's website as follows.

- 1. Statement of Environmental Effects
- 2. Submissions
- 3. Additional information

http://www.majorprojects.planning.nsw.gov.au/index.pl?action=view\_job&job\_id=10115

## 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<br>welfare of the community and a better<br>environment by the proper management,<br>development and conservation of the<br>State's natural and other resources,         | The proposal supports the ongoing use of Perisher<br>Range Alpine Resort for tourism through improving ski<br>related infrastructure, while minimising impacts on the<br>environment through utilising predominantly disturbed<br>ski slopes and restricting access to identified sensitive<br>fauna habitats.<br>The inclusion of the new chairlift would have significant<br>positive social and economic impacts. |
| (b)                     | to facilitate ecologically sustainable<br>development by integrating relevant<br>economic, environmental and social<br>considerations in decision-making about<br>environmental planning and<br>assessment, | The proposal would not have an unacceptable impact<br>on the environment thus being ecologically sustainable<br>development. Mitigation measures during construction<br>and rehabilitation of impacted areas are supported.  |
| (c)                     | to promote the orderly and economic use and development of land,  | The development seeks approval for works that are<br>aimed at replacing outdated lifts with an upgraded<br>facility with safety and convenience improvements,<br>within Perisher Range Alpine Resort which ensures the<br>proper management and development of the land.   |
| (d)                     | to promote the delivery and maintenance of affordable housing,  | Not applicable.  |
| (e)                     | to protect the environment, including the<br>conservation of threatened and other<br>species of native animals and plants,<br>ecological communities and their<br>habitats,                                 | The proposed development has reviewed existing<br>environmental constraints of the locality and positioned<br>the new chairlift and associated infrastructure to reduce<br>impacts upon threatened or vulnerable species,<br>populations, communities, or significant habitats.  |

|     |  | A comprehensive BDAR has been prepared in support<br>of the proposal which is discussion <b>Section 6.1</b> .   |
|-----|--|---|
| (f) | to promote the sustainable management<br>of built and cultural heritage (including<br>Aboriginal cultural heritage),                                     | The proposed development is not anticipated to result<br>in any impacts upon built and cultural heritage, including<br>Aboriginal cultural heritage.<br>A detailed Aboriginal Cultural Heritage Due Diligence<br>Assessment was carried out by Past Traces Pty Ltd,<br>with the recommendations included in the assessment<br>to be satisfied during the works. |
| (g) | to promote good design and amenity of the built environment,   | The Department considers that the proposal responds<br>to its existing setting and minimises impacts upon<br>natural environment. See discussion in <b>Section 6</b> .  |
| (h) | to promote the proper construction and<br>maintenance of buildings, including the<br>protection of the health and safety of<br>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 <b>Appendix C</b> ).  |
| (i) | to promote the sharing of the<br>responsibility for environmental planning<br>and assessment between the different<br>levels of government in the State, | The Department publicly exhibited the proposal ( <b>Section 5</b> ), which included consultation with government agencies and consideration of their responses.   |
| (j) | to provide increased opportunity for<br>community participation in<br>environmental planning and<br>assessment.  | The Department publicly exhibited the proposal ( <b>Section 5</b> ), which included displaying the application on the Department's website, within the Departments Jindabyne Office and at Service NSW Centres.   |

### **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 Alpine SEPP for the determination pathway for the upgrades to the two existing electricity transformers (one at the top of the mountain adjoining the ski patrol building and the other at the bottom of the mountain to the east of the access road opposite the Mount Perisher double chairlift station).

Clause 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 involve upgrading of an existing electricity 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.

The Department understands that discussions with NPWS have already commenced under Part 5 of the EP&A Act.

## State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)

SEPP 55 requires a consent authority to consider whether the land is contaminated, and if so, whether the land will be remediated before the land is used for the intended purpose.

The Applicant has submitted a Remedial Action Plan for the UPSS decommissioning and validation works outlining compliance with legislative requirements for the removal of the existing diesel fuel tanks and any remediation required.

Further discussion is provided in Section 6.5.

*State Environmental Planning Policy (Kosciuszko National Park – Alpine Resorts) 2007* (Alpine SEPP) is applicable to the development. Consideration of the matters to be considered is provided below:

| CI 14(1) - Matters to be considered by consent authority  |  |  |
|---|--|--|
| (a) the aim and objectives of this policy, as set out in clause 2   | The proposal is consistent with the aim and objectives<br>of the Alpine SEPP in that it is consistent with the<br>principles of ESD and is expected to generate<br>significant positive social and economic impacts. |  |
| (b) the conservation of the natural<br>environment and any measures to mitigate<br>environmental hazards (including<br>geotechnical hazards, bush fires and<br>flooding), | The proposals impact on the natural environment and measures to mitigate environmental hazards has been considered in <b>Section 6</b> of this report.   |  |

| (c) the cumulative impacts of development on<br>existing transport, effluent management<br>systems, waste disposal facilities or transfer<br>facilities, and existing water supply, | The proposal will result in a 2% increase to the current<br>uphill lift capacity of Perisher Range Alpine Resort and<br>is unlikely to create additional peak demand that is<br>greater than peak demand created by favourable snow<br>and weather events. |
|---|--|
|   | The proposal is therefore unlikely to impact the capacity<br>of existing transport / effluent management or waste<br>disposal facilities within the resort.  |
|   | The site contains the necessary infrastructure and services to support the development as proposed.  |
| (d) any statement of environmental effects,   | The SEE and information supplied has been considered in the assessment of the application.   |
|   | Part 1, Schedule 1 of the EP&A Regs requires an SEE to address any guidelines issued by the Planning Secretary. The Department issued Secretary Guidelines for the proposed development on 12 December 2018.   |
|   | The Applicant has addressed these guidelines within<br>the SEE and information supplied during consideration<br>of the application.  |
| (e) the character of the alpine resort,   | The proposal is the replacement of two chairlifts with a singular chairlift within a ski resort amongst other ski resort infrastructure. The proposal therefore will not significantly alter the character of the resort.                                  |
|   | Visual impacts have been addressed in <b>Section 6.4</b> of this report.   |
| (f) the Geotechnical Policy – Kosciuszko<br>Alpine Resorts,   | Refer to <b>Section 6.7</b> of this report.  |
| (g) any sedimentation and erosion control measures,   | The construction of the works would involve earthworks<br>(in particular the new stations, towers, snowmaking<br>infrastructure and access track upgrade) and<br>implementation of appropriate sedimentation and<br>erosion control measures.              |
|   | The Applicant provided a Site Environmental Management Plan (SEMP) to support the proposal.  |
|   | NPWS has recommended that an amended SEMP be<br>provided to ensure appropriate controls and measures<br>address Appendix A of the PSSMP (to be consistent<br>with another recent application at the Cleft ski run).  |

|  | The Department has recommended that an amended SEMP be provided to address NPWS comments and once adopted, the SEMP be implemented prior to and during the works being carried out.   |
|--|---|
| (h) any stormwater drainage works proposed,  | NPWS commented that stormwater management must<br>not create additional environmental impact, such as not<br>altering surface water flows into the surrounding<br>wetland areas.  |
|  | The roofed areas included in the proposal are the top and bottom stations, including the chair shed.  |
|  | Additional details for the management of water from the roof areas at the top station, is to be provided with the Construction Certificate documentation.   |
|  | The bottom station roof water, including c shed will be<br>managed by a dripline drain, connected to a stormwater<br>pit which will also collect the drainage associated with<br>the conveyor pit and footings, via a new single drainage<br>outlet to Perisher Creek. Further details and final<br>location of the dissipater are to be discussed with DPI<br>Fisheries and NPWS (refer to <b>Section 5</b> ). |
| (i) any visual impact of the proposed development, particularly when viewed from the Main Range,   | As discussed in <b>Section 6.4</b> , the proposal will not result<br>in an unacceptable visual impact and is not visible from<br>the Main Range. The new chairlift infrastructure will be<br>consistent with other ski lift infrastructure within the<br>resort.  |
| (j) any significant increase in activities, outside of the ski season,   | The proposal is intended to only be used during the ski season and therefore will not increase activities outside the ski season.   |
| (k) if the development involves the installation of ski lifting facilities,  | The proposal involves the installation of new ski lifting facilities and a development control plan does not apply to the alpine resort.  |
|  | The site contains the necessary infrastructure and<br>services to support the development as proposed, and<br>therefore is not expected to place additional burden on<br>existing infrastructure or access to, from or in Perisher<br>Range Alpine Resort.  |
| (I) if the development is proposed to be carried<br>out in Perisher Range Alpine Resort: the<br>document entitled Perisher Range Resorts | The Perisher Blue Ski Resort Ski Slope Master Plan (PSSMP) applies to the site and proposed development.<br>As discussed in <b>Section 3</b> of this report, the proposed development is generally consistent with the PSSMP.   |

| Master Plan (PRRMP) and the document<br>entitled Perisher Blue Ski Slope Master Plan,  |   |  |
|--|---|--|
| (m) if the development is proposed to be carried out on land in a riparian corridor.   | Some proposal components are located within 40m of<br>Perisher Creek or its tributary. Impacts on Perisher<br>Creek and other water resources are addressed in the<br>Water resources Assessment provided by the Applicant<br>and discussed in <b>Section 6.2</b> of this report.   |  |
| Cl 14(2) – Long term management goals for rip  | parian land   |  |
| <ul> <li>(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,</li> <li>(b) to ensure that the integrity of areas of conservation value and terrestrial and aquatic habitats of native flora and native fauna is maintained,</li> <li>(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.</li> </ul> | Works around the new bottom station / chair shed, skier<br>bridges and culvert works are located within the<br>Perisher Creek riparian zone.<br>The Applicant's Water Resources Assessment included<br>in the SEE states that impacts upon the watercourses<br>will be negligible and will not result in any impacts apart<br>from some minor water quality impacts during the<br>construction phase.<br>The NRAR and DPI Fisheries have reviewed the<br>proposed and the NRAR has issued GTA for the works<br>which will require a controlled activity approval under<br>the WM Act.<br>Based on a review of the application, the Department is<br>satisfied that works are not proposed to have direct<br>impacts on Perisher Creek, except for the culvert and<br>dissipator drain that requires additional considerations<br>and further approvals – refer to <b>Section 5</b> and <b>6</b> .<br>The conditions of consent ensure that the environmental<br>impacts upon riparian land are minimised during<br>construction and any impacts are appropriately<br>rehabilitated. |  |
|  | The measures proposed by the Applicant, the general<br>terms of approval, and the recommended conditions are<br>considered adequate to ensure the long term<br>management goals for riparian land are achieved.   |  |
| CI 15 – Additional matters to be considered for buildings  |   |  |
| Building Height  | The top station height is designed to consider the surrounding topography and rocky outcrops. While being visible from within the Perisher Valley, no existing views of the opposite ski slopes would be impacted.  |  |
|  | The bottom station height is comparable to the existing<br>Mount Perisher triple chairlift building which is to be  |  |

|                  | retained. The new bottom station will be visible from<br>Kosciuszko Road and is a new structure in the<br>surrounding landscape. However, is not considered to<br>negatively impact the locality – being consistent with<br>other ski slope infrastructure already within Perisher<br>Range Alpine Resort.   |
|------------------|--|
| Building Setback | The positioning of the new structures has regard to the<br>extent of existing disturbed areas and adjoining native<br>vegetation and riparian areas. Setbacks from these<br>areas endeavour to minimise impacts into untouched<br>native vegetation while also having regard to the need<br>for considerations such as building maintenance and<br>management of snow.<br>The proposal is considered to be acceptable in relation<br>to the setbacks to adjoining retained vegetation.   |
| Landscaped Area  | The proposal has a development footprint of 1.1ha, with<br>an impact of 0.36ha upon existing native vegetation.<br>Part of this impact is the clearing of existing Snow Gums<br>due to the realignment of the proposed chairlift.<br>While noting this component, the proposal has<br>endeavoured to minimise its impact upon native<br>vegetation areas through positioning towers and<br>locating stations within predominantly disturbed areas.<br>Rehabilitation of impacted areas is also proposed and<br>the inclusion of new fauna crossing during the access<br>track upgrade works. |
|                  | The proposal is considered to have appropriate regard to the existing landscape.   |

Cl 17 – applications referred to the National Parks and Wildlife Service

The proposal was referred to the NPWS pursuant to clause 17 of the Alpine SEPP. Refer to comments received at **Section 5** and discussion on proposal at **Section 6**.

Cl 24 – flood prone land

Clause 24(1) prevents consent from being granted for the carrying out of a work on, land that, in the opinion of the consent authority, is prone to flooding unless the consent authority has considered the 'NSW Government's Floodplain Development Manual: the management of flood liable land' (April 2005, ISBN 0 7347 5476 0).

Clause 24(2) further prevents consent from being granted on land that, in the opinion of the consent authority, would be inundated as a result of a 1 in 100 year flood level if the consent authority is of the opinion that the development will, or is likely to—

- significantly adversely affect
  - potential flood behaviour, including the flood peak at any point upstream or downstream of the development, or
  - o the flow of floodwater on land adjoining the development, or
- significantly increase the potential for flooding that damages property or otherwise adversely affects the community, or
- cause significant erosion, siltation or destruction of riverbank vegetation in the locality of the development, or
- significantly adversely affect riverbank stability, or
- significantly adversely affect the safety of occupiers or users of land on which the development is proposed to be carried out, or
- significantly restrict the capacity of a floodway, or
- significantly increase the risk to the personal safety of emergency services and rescue personnel.

The proposal includes the construction of a culvert adjoining the Mount Perisher double chairlift bottom station over Perisher Creek. Accordingly, the Applicant was requested to provide information, including:

- What are the expected flow impacts from the funnelling of the creek onto the areas immediately below the works;
- What is proposed to ensure that the new culvert would not negatively impact the adjoining bank areas or fish passages; and
- Provide a hydrology analysis based on a 1:5, 1:20 and 1:100-year flood events on the site with adequate clearance to the underside of the culvert height.

Further discussion on this matter is included in Section 6.2.

Cl 25 – development by Crown or public authorities

Clause 25(1) states that development carried out on land to which this Policy applies by or on behalf of the Crown or a public authority (including Snowy Hydro Limited) does not require consent.

To facilitate the construction of the new top station, the existing NPWS communications hut (which includes NPWS and other emergency services equipment) is to be demolished with the equipment and associated antennas to be temporarily housed in pods to be located adjoining the existing ski patrol building. The relocation of the communications equipment is to be facilitated by the NSW Telecommunications Authority through a Review of Environmental Factors that is to be authorised under Part 5 of the EP&A Act by NPWS.

In discussions between the Department, the Applicant and NPWS, the NPWS advised that as a lease for the site would be provided to facilitate the construction between the Applicant and the Minister for the Environment, the Applicant would obtain rights over a vacant building. Therefore, the demolition of the communications hut should be retained within the current DA under assessment.

NPWS has however recommended that a condition of consent be included setting out that any staging plan and specific details (as requested in our initial referral comments) will be required to be approved

by NPWS before commencement. This consideration can occur at the same time as the assessment of the REF.

The Department accepts the NPWS opinion and has recommended conditions as requested.

| CI 26 – Heritage conservation |  |
|-------------------------------|--|
| European heritage             | The proposal would not impact on any European heritage items.  |
|                               | NPWS comments that while the existing infrastructure<br>is not heritage listed, due to the age of the chairlift, the<br>NPWS supports the proposal that some parts or<br>features of the lifts be retained and reused within<br>Perisher Range Alpine Resort.        |
|                               | The Department has also recommended that a photographic record of the Mount Perisher double and triple chairlifts be undertaken and provided to the Principal Certifier and the Department.  |
| Aboriginal heritage           | The NPWS advised that following the submission of the revised Aboriginal Cultural Heritage Due Diligence Assessment, the Applicant has followed a suitable process and due diligence in determining that the proposed works are unlikely to harm Aboriginal objects. |
|                               | NPWS recommends that should any Aboriginal objects<br>be uncovered during construction, any works impacting<br>the objects must cease immediately and the NPWS<br>contacted for assessment of the site.  |
|                               | A condition is recommended addressing NPWS comments and the adoption of the recommendations within the Aboriginal Cultural Heritage Due Diligence Assessment.  |

Appendix C – Recommended Instrument of Consent