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	Planning, Industry & Environment
<i>Issued under the Environmental Planning and Assessment Act 1979</i>	
Approved Application No	DA 10115
Granted on the	9 September 2021
Signed	MB
Sheet No	12 of 63

Dear Mark,

Re: Development Application 10115 for the Replacement of the Mount Perisher Double and Triple Chairlifts with a Six-Seater Chairlift, Mount Perisher, Perisher Ski Resort

Dabyne Planning Pty Ltd has been engaged to prepare a further response on behalf of Perisher Ski Resort in relation to the above Development Application.

This is provided in response to the Department of Planning, Industry and Environment letter dated 21 October 2020, NSW Fisheries letter dated 23 September 2020 and NPWS letter dated 28 September 2020.

This response includes the following revised and additional information provided via a link:

- Revised DA Plans from CLM Civil including:
 - Location of the existing conduit for the Up-hill Lift Safety Line
 - Updated culvert bridge details
 - Updated bottom and top station sections
 - Drainage outlet details for the bottom station
- Response to Fisheries Letter from Eco Logical Australia 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 from Asset Geotechnical
- Updated Loading Conveyor Plan from Doppelmayr
- Revised Plan of existing Eyre T-Bar Bullwheel Structure with English Translation
- RFID Gate Plan
- Snowmaking Line Plan with cross-section from Lucas Consulting Engineers
- Demolition Schedule

It is noted that some of the information now requested did not form part of the information required within the Secretary Guidelines (SGs) issued in December 2018 including referral to and information requested by NSW Fisheries.

The referral to the NSW Fisheries has occurred some six months following DA lodgment which is not an acceptable practice or within the statutory provisions that the Department operates within.

Furthermore, the Department is repeatably requesting information that is to be provided at the Construction Certificate stage, which is contrary to the provisions of clause 50(4) of the EP&A Regulations 2000, where the consent authority is not to oblige the Applicant to provide any construction details up front as the Applicant prefers to 'test the waters first' and obtain development consent.

Should you wish to discuss the above matters, please do not hesitate to contact Andrew Kennedy on 6459 4402.

Regards

A handwritten signature in black ink, appearing to read 'I. Pasalich', with a small flourish at the end.

Ivan Pasalich
Principal

26 February 2021

Attachment A:

1. Response to DPIE Letter in response to Information submitted on behalf of Perisher on the 28.7.2020

Fuel Tanks:

Please find attached a Remedial Action Plan prepared by Ground Doctor Pty Ltd for the Decommissioning and Validation Works of UPSS at the Mount Perisher Triple Chair bottom station.

The existing UPSS has been monitored by way of groundwater monitoring wells which form part of the leak detection system, which has been monitored every 6 months since November 2012.

Ground Doctor has not identified any evidence of hydrocarbon impacts in groundwater within the Mt Perisher Triple Chair UPSS monitoring wells.

Standard conditions of consent for the decommissioning and validation of the tanks can be imposed, consistent with previous UPSS removal within the Perisher Ski Resort.

Geotechnical:

Mark Bartel of Asset Geotechnical has prepared an amended Geotechnical Report attached.

A response to the comments provided by the Department has been provided with an extract below.

- A review of the Asset Geotechnical Investigation should be undertaken to address compliance with the Department's Geotechnical Policy including: **Section 1.3 added**
 - inclusion of a clear indication of how the report addresses the Policy (refer to section 4.1 (a) to (f)), (separate table as an addendum would assist) **Section 7.1 added**
 - a statement concluding that the development is suitable (as required by Section 4.1 (f))
 - update of the plan references following amended plans and add other information received on 28 July 2020
 - DA drawing set Mount Perisher Chairlift Project, CLM Civil Job T-106 – review all drawings as some are updated **Reviewed and updated**
 - DA drawing set Bottom Station – add A1.2 (roof plan) as not shown **Updated**
 - Should profile plan be included in drawings referenced? **Referenced**
 - Clarification of differences between plan references at points 2 and 5 within Section 1.1 **Duplicate removed**
- Clarification of the term 'concrete paving' and 'paving and general landscaping' within the report, when the only concreting is proposed along the edge of the carrier shed adjacent to the retaining wall (as previously discussed with the Department)? A review of the report should be undertaken to determine the accuracy of these statements and if any amendments to the report are required at this stage
Removed reference to concrete paving

- Whether the use of the 1990 Geology of Kosciuszko National Park 1:250,000 Map, being a more recent map, changes any recommendations instead of the referenced 1:250,000 Tallangatta Geological Map (1966) **Updated - no changes to report recommendations**
- Identification within the report of testing carried out for the proposed top station (only inspection points have been identified on the investigation location plan) **Section 3, paragraph 5, last sentence**
- A review of Section 6.2 heading (Slope Instability Risk) which is not endorsed by the Australian Geomechanics Society (AGS 2007) and the comment that 'A limited, preliminary level,...' **Updated**
- Clarification as to how it was identified that the potential hazards / events were for the site (in Section 6.2) and what consideration of other geotechnical reports has occurred to substantiate the findings within the report **Section 6.2, paragraph 8 (after hazard list)**
- A review of the "Generalised Site Geotechnical Model" as this does not conform to the Geotech Policy requirements (review of other reports may assist with this discussion) **Model reviewed, and confirm it does conform to Geotech Policy**
- Clarification is sought whether the Tables in Appendix C meet the requirements of AGS 2007 (i.e. the tables include 'preliminary', but no further testing is proposed / recommended and has used 'likelihood' values which are not endorsed by AGS 2007) **Updated**
- The Tables in Appendix C are all titled 'Table A – Preliminary Landslide Risk Assessment (Risk to Property)', however half would likely be titled (Risk to Life) **Updated**
- The Tables in Appendix C refer to Geotechnical Report dated 23 June 2019 – should this be updated? **Updated**

It is noted these changes are fundamentally for administrative purposes only and do not change the risk profile or recommendations with how the development will be constructed.

Perisher Creek Hydrology & NSW Fisheries:

A request for a Test of Significance has been requested for the potential impact on the Snowy River Aquatic EEC.

This request was not provided with the Secretary Guidelines (SGs) or as part of the information requested by the Department and NPWS in January and February 2020 and therefore this formality could have been provided as part of the additional information submitted in July 2020.

Notwithstanding this, Ryan Smithers, Senior Ecologist with Eco-Logical Australia has prepared a Test of Significance for the Snowy River Aquatic EEC, and this is attached.

The revised DA plans prepared by CLM Civil includes details of the drain discharge and outlet for new bottom station roofwater and conveyor pit. This is consistent with previous drainage undertaken along the creek.

Open-bottom box culvert:

The Department has requested that further consideration of the 'Fish passage requirements for waterway crossings' as referred to in the NSW Fisheries comments be undertaken.

This issue and further request for additional information appears to be generated by a misunderstanding of the proposed crossing, as an open-bottom box culvert will be used to form a bridge and is not a traditional 'culvert' as referred too with examples provided in the NSW Fisheries guidelines.

In addition to the revised drawings provided by CLM Civil a site meeting was held on the 5th of November 2020 with DPIE personnel to clarify this matter

Photos of a similar open-bottom box culvert used to cross the same creek downstream (provided previously and below) shows that the structure is fundamentally a 'bridge' and therefore does not interfere with fish passage.



As shown in the photos below the width of the width of Perisher Creek at the proposed culvert location adjacent to the existing Mt Perisher deck is typically 1 metre wide.



The proposed open-bottom pre-cast concrete bridge span is 4.2 metres. The width is also 4.2 metres (ie 4x 1.2metre precast sections) and a revised design has been provided by CLM Civil which includes the installation of armour rock along the embankment.

The NSW Office of Water (2012) Controlled Activities Guidelines for watercourse crossings includes the following best practice measures relevant to the proposal:

- maintain existing or natural hydraulic, hydrologic, geomorphic and ecological functions of the watercourse
- maintain the natural bed and bank profile
- do not increase scour and erosion of the bed or banks in any storm events
- avoid locating structures on bends in the channel
- do not increase velocities by constricting flows, for example filled embankments on approaches; and
- align culverts with downstream channel.

The culvert has been designed and sited to minimise instream impacts.

In particular:

- the open-bottom box culvert bridge would be of sufficient size to avoid any reduction in the cross-sectional area of the active channel, to prevent increased discharge velocity and upstream pooling and sedimentation caused by flow constriction (including during high flows)
- no pillars or abutments would be installed within the stream bed, including high flow levels. Abutments would be set above high water flow levels; and
- the open-bottom box culvert bridge design would allow the natural bank profile, bed level and bed substrate to be retained.

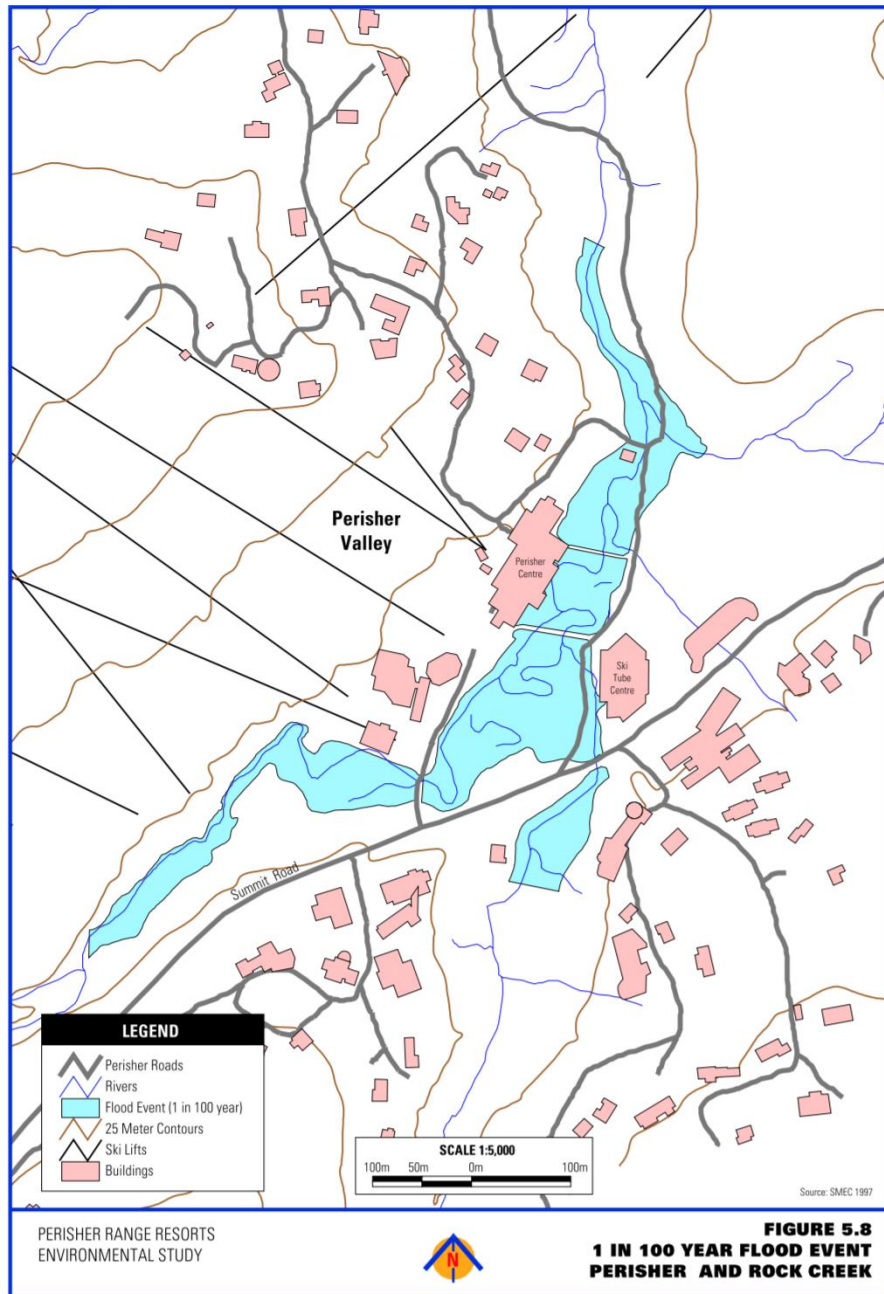
The open-bottom box culvert bridge is wider than the creek embankments down stream and is wider than the channel upstream, therefore it is not able to funnel water flows or impact on fish passage.

Construction details for the culvert bridge footings will be provided at the Construction Certificate stage.

Hydrology Analysis:

The Department has requested a hydrology analysis of the proposed design based on a 1:5, 1:20 and 1:100 event to ensure clearance to the underside of the proposed culvert height.

A review of the flood level information undertaken by the NSW Government and provided in the Perisher Range Resorts Environmental Study by Connell Wagner in 2000 (which was based on the work undertaken by SMEC in 1997) indicates that only 1:100 year flood event was modelled for the Perisher Creek within the immediate vicinity of the Skitube and Perisher Centre as shown below.



The Perisher Creek was not modelled upstream at the base of Mount Perisher.

Therefore, there is no available 1:100 and therefore no 1:5 or 1:20 flood event modelling for the subject site. Such modelling is the responsibility of a local Council and/or the land owner and in this instance, this is effectively both NPWS.

As advised previously, the proposed culvert has been designed to be of the same pre-cast components and installation methods as the approved culvert located downstream at the east ford crossing of the Perisher Creek which forms part of the Centre Valley access track.

This culvert was approved under DA 009-04-2012 and a photo of the complete culvert is provided in figure 48 of the SEE for the subject DA, with an extract provided below.



Being located upstream, the proposed culvert would have a smaller catchment and therefore smaller amount of water volume.

Therefore, the proposed culvert was originally designed to be the same size with the same water volume as the approved, existing culvert located downstream at the east ford crossing of the Perisher Creek which forms part of the Centre Valley access track.

Notwithstanding this, Perisher have provided a revised design by CLM Civil that increases the span of the proposed culvert to 4.2m. The increased span over the downstream culvert ensures that the stream bank is not disturbed although stream flows at the proposed culvert location are significantly less than those experienced downstream.

Regarding the Departments reference to DA 7035 which indicated on the plans the 1:100 flood level, it is noted that NPWS questioned this as the Connell Wagner, 2000 study did not identify specific flood heights for this area of Perisher Creek.

Electrical Transformers:

It is noted the Department can include a generic comment within its own assessment report.

Communication Hut:

The proposed demolition of the communications hut and installation of a temporary storage container is proposed under the subject DA and required to form part of the subject DA, with conditions of consent to be imposed in relation to staging and specific details and be approved by NPWS before commencement.

This can be undertaken in accordance with the NPWS response dated 28 September 2020, noting that NPWS do not require separate approval and DA contrary to the Departments advice.

Demolition:

The DA plans show the components of the development to be demolished.

To further clarify this, a schedule of demolition works has been prepared by Perisher Ski Resort and provided attached.

The demolition stockpiling can occur within the large bottom station disturbed area and rehabilitation techniques will form part of a Rehabilitation and Monitoring Plan to form a condition of consent.

Snowmaking Works:

The only snowmaking additions that result in the augmentation of the existing mains, is the installation of laterals servicing the new fan gun and retractable hydrant at the base of the bottom of the Mount Perisher Double Chair.

A plan with longitudinal section has been provided for the snowmaking installation by Lucas Consulting Engineers as well as a cross-section of the trench by Perisher.

Conveyor Pit Details:

Please find attached plans of the conveyor pit with English translation and additional details as requested.

An additional stormwater outlet detail plan has been prepared and provided by CLM Civil.

Cut & Fill:

Additional DA plans for the minor excavation undertaken within the bottom station area has been provided by CLM Civil.

Regarding the top station, there is no cut and fill proposed other than that associated with the top station building, as provided in the DA plans submitted. A further cross-section of the building has been provided by CLM Civil.

Lease boundaries:

Perisher have advised that additional discussions have taken place in relation to leasing and lease boundaries.

As advised previously, development consent is not required in relation to changing lease boundaries under the provisions of clause 13 of the Alpine Resorts SEPP.

This matter will be dealt by way of a condition of consent, similar that imposed for the Installation of a Moguls Judging Structure under DA 9954:

Part C – Prior to the Commencement of Works

C.10 Authorisation under the National Parks and Wildlife Act 1974

Prior to the commencement of construction works , the applicant is to consult with the NPWS to determine any lease, licence or other authorisation that is required for the development under the National Parks and Wildlife Act 1974 , and the appropriate lease , licence or authorisation must be obtained and in place .

2. Other plans and documents

Eyre T-bar Foundation Return Terminal:

Please find attached revised plan with English translation.

Trenching Plan:

Please find attached revised DA plans which shows the existing conduit and location of new conduit where required for the Up-hill safety line.

RFID Gate:

A standard design RFID gate has been provided. All RFID gates installations at Perisher have been engineered and are constructed to the required specifications.

Attachment B:

Response to NPWS letter 28.9.2020

Other than the comments provided above, additional comments on the Access Road upgrade is provided as follows.

Perisher Ski Resort is seeking to upgrade the road within the existing disturbed corridor; however, this must include new drainage works, otherwise the existing drainage issues would not be improved. This would include upgrading water diversion, sediment runoff and gravel management.

This would be similar to those works undertaken for the access track to the top of the Freedom Chairlift at Guthega.