



NSW GOVERNMENT  
Department of Planning

# ***Perisher Village Concept Plan*** **Perisher Valley** **Kosciuszko National Park**

**Proposed by Perisher Blue Pty Ltd**

**Modification 262-10-2004 MOD 1**

Modification of Minister's Approval under Section 75W of  
the *Environmental Planning and Assessment Act 1979*

October 2008



PERSPECTIVE VIEW WEST ALONG ROSS STREET

Source: Daryl Jackson Robin Dyke Pty Ltd 2004

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NSW Department of Planning  
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## 1. EXECUTIVE SUMMARY

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This is a report on a modification application seeking to modify the Perisher Village Concept Plan (262-10-2004) approved on 14 November 2006. The modification application was submitted by the proponent Perisher Blue Pty Ltd (PBPL) on 26 September 2008 seeking to increase the period for lapsing of the concept plan approval so that it does not lapse until 14 November 2011.

The Proponent is seeking to modify the Part 3A approval pursuant to Section 75W of the *Environmental Planning and Assessment Act 1979* (the Act) by amending a condition that the concept plan approval lapse within 2 years, by increasing the lapsing period by an additional three years from 14 November 2008 to 14 November 2011 making the time available to act on the concept plan 5 years.

The concept plan approval is for 7 buildings, ranging in height from 2-5 storeys, apartments, retail and recreational uses, basement and surface car parking and support infrastructure and was designed to create an improved focus for the Perisher resort.

The original estimated project cost of the development was \$112 Million.

PBPL has requested the modification as additional time is required to facilitate negotiations with the Government on the proposal.

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## 2. THE SITE

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Perisher Valley is part of the Perisher Range Resort and is located in the Kosciuszko National Park, approximately 500km from Sydney (refer figure 1 for location).

The Perisher Range Resort consists of four connected resort areas, Perisher Valley, Smiggin Holes, Blue Cow and Guthega. The ski company that manages the resort is Perisher Blue Pty Ltd. (refer figure 2 for the location of the Perisher Range Resorts).

The site consists of the main car park in Perisher Valley, along the Kosciuszko Road to Pipers Gap, Pipers Gap and Smiggin Holes car park and existing workshop site (refer figure three the Perisher Village site).

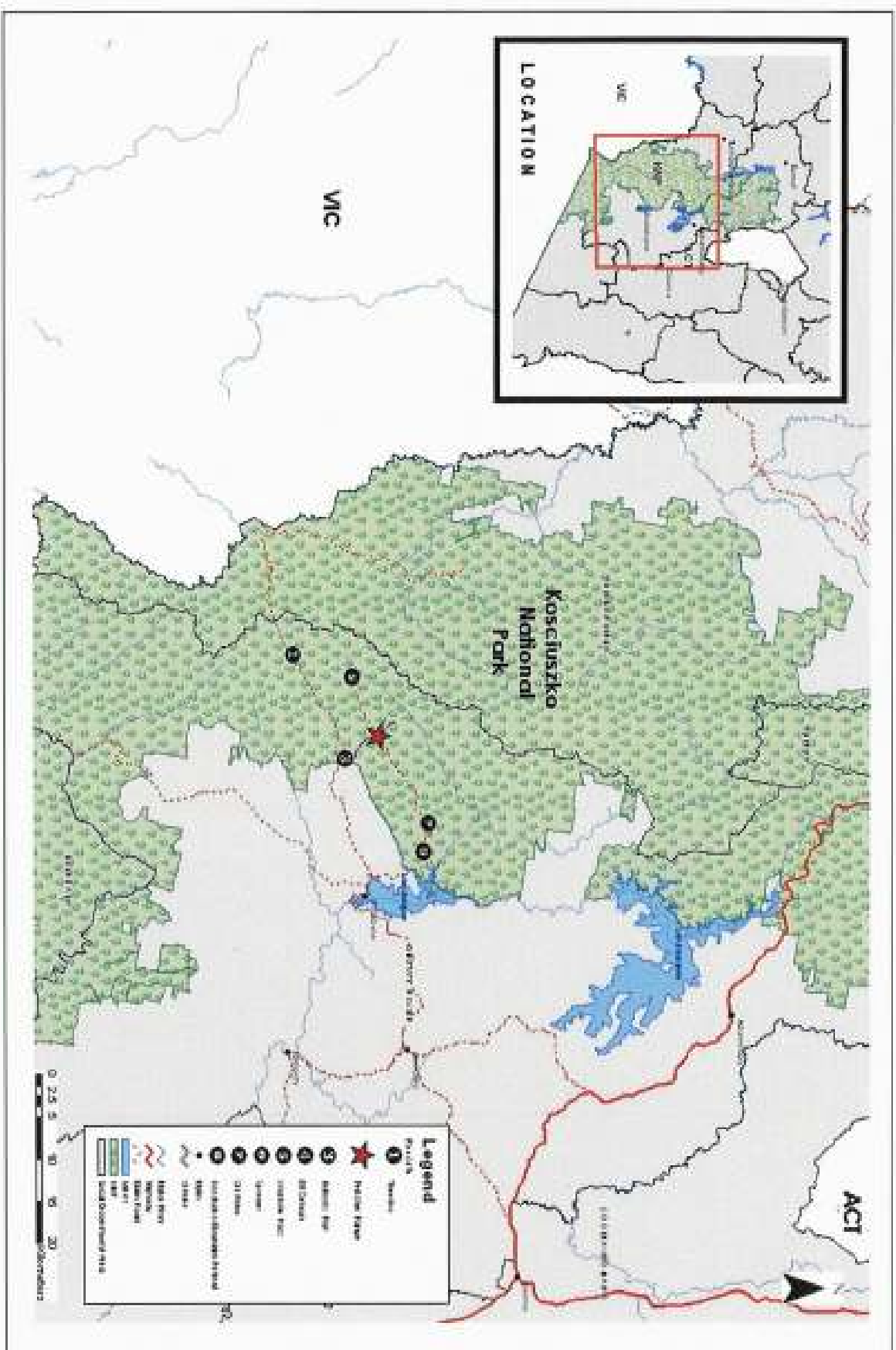


Figure 1: The subject site

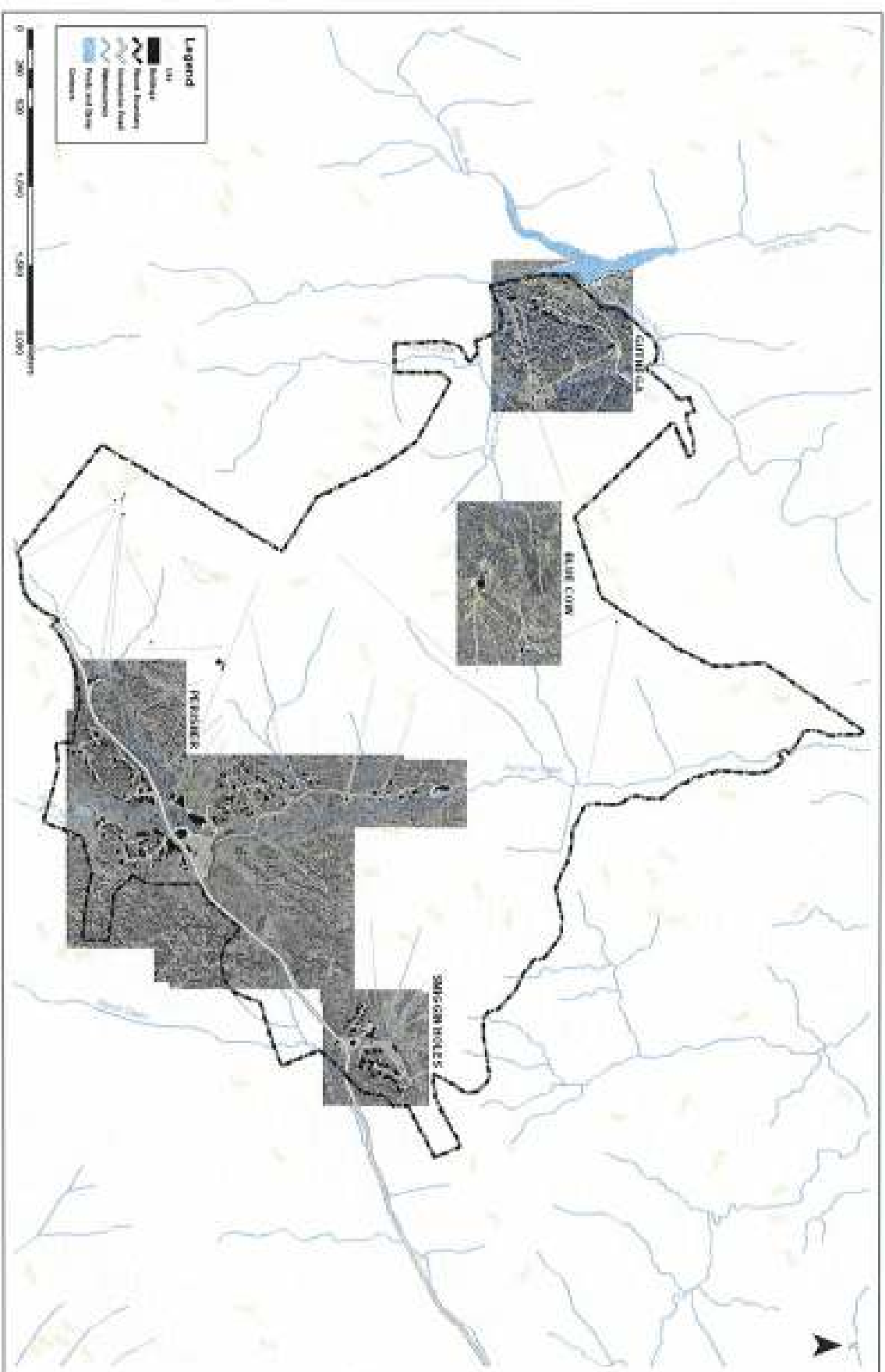


Figure 2: Perisher Range Resorts



### 3. MAJOR PROJECT APPROVAL

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#### 3.1 ORIGINAL APPLICATION MP 06\_0267

On 14 November 2006, the Minister for Planning approved the Concept Plan for a village development in the Perisher Valley that comprised the following:

- 7 buildings providing accommodation (239 apartments), retail (5,055m<sup>2</sup>), and commercial/recreational facilities (2,746m<sup>2</sup>);
- basement car parking;
- public open space areas;
- pedestrian and vehicle networks; and
- construction of two new pedestrian bridges and a new ski bridge.
- conceptual subdivision to identify the proposed development sites; and
- car parking along Kosciuszko Road, at Pipers Gap and Smiggin Holes.
- A workshop at Pipers Gap that can be accessed by road and oversnow vehicles.

Key issues considered in the Department's assessment of the original application included the following:

##### *Visual Impact*

- The location of car parking and a workshop at Pipers Gap will, to a certain extent, intrude on the natural landscape. However, through appropriate design and landscaping this can be kept to an acceptable level.

##### *Capacity of Municipal Services*

- DECC advised that the water needs of the project can be met and that the Perisher Range Sewage Treatment Plant has sufficient capacity to service the project.

##### *Transport and Access*

- The proposal does not alter existing transport access options to the village. The proposal will not exacerbate congestion along Kosciuszko Road during peak times as overnight visitors to the village are likely to arrive and depart outside of peak traffic times given check-in and check-out times.

##### *Road Network and Design*

- The proposal involves the clearing of snow of internal village roads only. Road clearing is a significant concern for lodge members.

##### *Car Parking*

- The existing number of day and overnight visitor car spaces will be maintained and additional parking in the basement provided for overnight guests of the village.

##### *Aboriginal Cultural Heritage*

- There is the potential for deep subsurface archaeological deposits beneath the Perisher car park and along Smiggins Creek. Monitoring of the excavations would be required.

##### *Flora and Fauna*

- (EPBC Act 1999 (Cth)) - Assessment of significance undertaken for Alpine Tree Frog (endangered), Southern Corroboree Frog (endangered), and Latham's Snipe (JAMBA and CAMBA) concluded that direct impacts of the project are unlikely to have a significant impact upon these species and that indirect impacts posed the greatest potential to have a significant impact although these were manageable with the implementation of proposed mitigating measures.
- (Threatened Species Conservation Act 1995) - Seven-part tests were undertaken for the Alpine Tree Frog (endangered), Southern Corroboree Frog (endangered), Olive Whistler (vulnerable), Broad-toothed Rat (vulnerable), and Montane Peatlands and Swamps (endangered ecological community).
- These concluded that direct impacts of the project will not have a significant impact upon these species or the EEC and there would not be a significant impact through secondary/indirect impacts provided that the proposed mitigation measures are implemented.

- Areas of vegetation community tall alpine herbfield, recognised as being rare and restricted, will be removed. The biodiversity assessment concluded this will not have a significant impact on the abundance of this vegetation complex.
- Secondary impacts include pollutants such as litter, sediment, hydrocarbons, toxic heavy metals and salt making their way into receiving environs through stormwater runoff and snow clearing/pushing is manageable through mitigation measures including a stormwater management system based on water sensitive principles.
- Stormwater runoff and snow from car parking areas is to be captured and treated prior to release into surrounding environs. Currently there is no capture and treatment of stormwater and snow occurring.

#### *Climate Change*

- Climate change has the potential to significantly and detrimentally affect the ski industry. However, there are a number of recreational pursuits in Kosciuszko National Park which are not snow-based including walking, fishing, camping, caving, horseriding, cycling, and water-based activities.
- So while climate change has the potential to impact upon snow-based activities, the Perisher Village centre is likely to be used year-round given the number of other recreational pursuits in the park.

The estimated cost of development was \$112 million. A copy of the original approval is at **Tag A**.

## **4. DESCRIPTION OF PROPOSED MODIFICATIONS**

### **4.1 THE PROPOSED MODIFICATIONS**

On 26 September 2008, PBPL (the Proponent) lodged the subject application to modify concept plan approval 262-10-2004 (**Tag B**), pursuant to Section 75W of the *Environmental Planning and Assessment Act 1979* (the Act). The proposed modification to the approved concept plan is to modification condition A.6, and to replace "two" with "five". The modified condition, if approved, would be:

#### **A.6 Lapsing of Approval**

*This concept plan approval lapses five (5) years from the determination date in the Notice of Determination unless an application for development consent for the first stage of the Perisher Village project, under Part 4 of the Act has been lodged with the Department.*

### **4.2 THE PROPONENT JUSTIFICATION FOR PROPOSED MODIFICATIONS**

The Proponent provides the following justification for the modification application:

- PBPL has been unable to negotiate commercial terms with the NSW National Parks and Wildlife Service (NPWS) to obtain development rights for the Perisher Village. As a result Perisher Blue has not lodged an application for development consent for the first stage of the Perisher Village project.
- The proponent also advised that they remain of the view that a village development in Perisher is desperately needed for the amenity of the resort and so it can effectively compete domestically and internationally. PBPL believe that extending the lapsing period facilitates the realisation of the Perisher Village.



## **5. STATUTORY CONTEXT**

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### **5.1 MODIFICATION OF A MINISTER'S APPROVAL**

The modification application has been lodged with the Director-General pursuant to Section 75W of the Act, which provides for the modification of the Minister's approval, including revoking or varying a condition of the approval or imposing an additional condition of the approval.

Under Section 75W(2), the Minister's approval for a modification is not required if the project, as modified, will be consistent with the existing approval under this Part. In this instance, it was concluded that the proposed modification required a formal application to modify the approval, as it extends the period before the concept plan approval lapses.

On 26 September 2008, the Proponent submitted an application to modify the approval of the Minister for the Perisher Village concept plan, pursuant to Section 75W(3) of the Act.

### **5.2 ENVIRONMENTAL ASSESSMENT REQUIREMENTS (DGRS)**

Section 75W(3) of the Act provides that the Director-General may notify the Proponent of environmental assessment requirements (DGRs) with respect to the proposed modification that the Proponent must comply with before the matter will be considered by the Minister.

In this instance, following an assessment of the modification request, it was not considered necessary to notify the Proponent of environmental assessment requirements pursuant to Section 75W(3) with respect to the proposed modification, as sufficient information was provided to the Department to consider the application.

## **6. CONSULTATION AND EXHIBITION**

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Under Section 75W of the Act, a request for a modification of an approval does not require public exhibition. However, under Section 75X(2)(f) of the Act, the Director-General is to make publicly available requests for modifications of approvals given by the Minister. In accordance with Clause 8G of the *Environmental Planning and Assessment Regulation 2000*, the request for the modification was placed on the Department's website.

The modification application was referred to the NPWS on 23 September 2008 for comment. The NPWS responded on 30 September 2008 and advised they have no objections to the proposal.

## **7. CONSIDERATION OF PROPOSED MODIFICATIONS.**

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There are three principle considerations by the Department that justify the proposed modification:

- The modification is an administrative modification of the concept plan approval and does not involve any changes to the design of the approved concept plan. Accordingly there are no additional environmental impacts.
- Since 1989 when the Minister for Planning approved the expansion of the Perisher Range Resorts by an additional 1320 beds, the Government has been seeking an appropriate village development in the Perisher Valley. The proposed modification supports the Government's policy.
- Negotiating acceptable commercial arrangements with the existing lease holder PBPL, potential proponents of a village and the tourism development market in general demonstrate that the initial two year lapsing period did not provide sufficient time to resolve the complexities.

## 8. CONCLUSION

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Under Section 75W(4) of the Act, the Minister may modify the approval (with or without conditions) or disapprove the modification. The preceding report describes the Department's assessment of the requested modification and supporting documentation as provided by the Proponent, and recommends approving the proposed modification.

The proposed modification only related to the period within which the concept plan approval lapses and does not result in any changes to the approval concept plan design. The proposed modification in extending the lapsing period provides additional time for the Government to consider the complexities of achieving a village in Perisher.

## 9. RECOMMENDATION

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It is recommended that the Executive Director, Strategic Sites and Urban Renewals:

- (a) **Consider** the findings and recommendations of this report; and
- (b) exercise delegations from the Minister and **Approve** the modification under Section 75W of the *Environmental Planning and Assessment Act, 1979*; and
- (c) **Sign** the attached Instrument of Modification (Tag B).

Prepared by:

Endorsed by:

 20.10.08  
Jim Corrigan  
Team Leader, Urban Assessments

 23/10/08  
Michael Woodland  
Director, Urban Assessments

 24/10/08