



Ms Erin Murphy
Team Leader
Regional Assessments
Department of Planning, Housing and Infrastructure

Our reference: DOC 24/113204
EF 23/16810

By email: Erin.Murphy@dpie.nsw.gov.au

Dear Erin,

DA referral – Construction of Playground Mountain Bike Trail, Thredbo – DA 24/966

We refer to the above development application (DA) forwarded to the National Parks and Wildlife Service (NPWS) for provision of comments in accordance with Chapter 4 of the *State Environmental Planning Policy (Precincts - Regional) 2021* (SEPP).

As requested, NPWS has reviewed the DA documentation. Based on that review, we make the following comments, having considered matters required by the *National Parks and Wildlife Act 1974*, the *Kosciuszko National Park Plan of Management 2006* (KNP PoM), the *Biodiversity Conservation Act 2016* (BC Act) and other relevant legislation. We request that the Department of Planning, Housing and Infrastructure (DPHI) consider our comments in its assessment.

As a general comment, we note that NPWS is broadly supportive of the proposed development and the associated economic and social benefits it might bring to the Kosciuszko National Park (KNP) and surrounding region. It is encouraging to see previously disturbed areas utilised for new trails, especially in mapped areas of biodiversity value. However, we note that the incremental expansion of the Thredbo mountain bike trail network comes with cumulative impacts for the KNP environment which need to be managed by the proponent in consultation with NPWS including:

- (i) the potential for biodiversity impacts from further removal of remnant vegetation and habitat fragmentation, particularly for small mammals; and
- (ii) erosion of alpine humus soils from the steep slopes of the Thredbo Valley, and slope instability, particularly with limited trail surface hardening proposed.

1. Leasing/licensing and KNP PoM

- 1.1 NPWS Visitor Engagement & Revenue Branch (VERB) has advised that the proposed works are permissible under the head lease with Kosciuszko Thredbo Pty Limited (KT) for the Thredbo Alpine Resort. However, as works for new sporting or recreational facilities, lessor's consent under the head lease will be required. VERB has accepted the DA referral as a request for lessor's consent and will contact KT separately about the matter.
- 1.2 NPWS has considered the relevant provisions of the KNP PoM and determined that the proposed works are consistent with the management objectives for section 10.2 (Alpine Resorts Management Units), section 10.4 (Thredbo Management Unit), section 11.6 (Environmental Quality) and chapter 8 (Recreation).

2. BC Act

- 2.1 The proponent has demonstrated consideration of the BC Act in the DA. As proposed, NPWS concurs that the development does not trigger the Biodiversity Offset Scheme

under the BC Act. We generally agree with the assessment provided in the Flora and Fauna Assessment Report provided for the DA, although we note that the Broad-toothed Rat (*Mastacomys fuscus mordicus*), which is known to occur in the area, is listed as endangered under the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) as of 15 November 2023. We do expect that all future DAs in Thredbo will reflect the updated listing and include an appropriate assessment of the potential impacts and likelihood of occurrence.

3. Environmental values of Kosciuszko National Park

- 3.1 In order to assist in minimising impacts of the proposed development on the environmental values of Kosciuszko National Park, NPWS recommends that DPHI address the general environmental management measures set out in paragraphs 3.2 to 3.9 (inclusive) in its consent conditions. We note that some of these measures are currently set out in the proponent's Site Environmental Management Plan (SEMP) and should be retained or updated as appropriate.
- 3.2 A comprehensive and consistent monitoring program, coupled with regular trail maintenance, are critical to meeting the objectives of the KNP PoM around management of the impacts associated with the use of the trail (see section 8.11.1(11) KNP PoM) and the sustainability objectives of the associated *Kosciuszko National Park Cycling Strategy* (OEH, 2017). Consistent with other similar mountain bike trail developments, we request that the existing monitoring and maintenance arrangements for mountain biking trails in the Thredbo Alpine Resort are expanded to apply to the trails proposed in this DA as set out in paragraphs 3.5 to 3.9 (inclusive).
- 3.3 All areas mapped as having high biodiversity values under the BC Act must be included as no-go zones. The maps in Appendix A of the SEMP should be updated to reflect this.

Protection and rehabilitation of native vegetation

- 3.4 The "spread excess vegetation" section of the table in Section 2.2 of the SEMP must be updated to stipulate that excess native vegetation to be dispersed along the trail edge cannot be more than 50cm deep. The *Thredbo Mountain Bike Gravity Trail, Environmental Condition Assessment* inspections conducted jointly by KT and NPWS have shown that excess vegetation is sometimes being spread too deeply, resulting in smothering and impeded regrowth.

Monitoring and maintenance arrangements

- 3.5 Baseline trail condition monitoring data must be collected on completion of trail construction and provided for endorsement by NPWS prior to approval by DPHI.
- 3.6 Ongoing monitoring of the trail condition, replicating the baseline monitoring data collection methodology as per paragraph 3.5, is to be carried out on an annual basis. An annual report documenting the findings of the ongoing trail condition monitoring is to be submitted to NPWS and DPHI. We note that this requirement should be incorporated as part of trail monitoring requirements identified and implemented for previous mountain bike trail development in the Thredbo Alpine Resort.
- 3.7 The existing Thredbo Mountain Bike Trail Management Plan (TMP) and Trail Inspection and Monitoring Plan (TIMP) referred to in the TMP must be updated to encompass the new trail and incorporate them in the monitoring and reporting regime under both plans. Both plans are to be submitted to NPWS for endorsement before approval by the DPHI Secretary.
- 3.8 The inspection, monitoring, maintenance and reporting requirements set out in the updated TMP and TIMP must be implemented for the life of the trails.

- 3.9 The bi-annual *Thredbo Mountain Bike Gravity Trail, Environmental Condition Assessment* currently conducted as a joint monitoring program by NPWS and KT must be modified to include the changes to the trail proposed in this DA.

4. Cultural values of Kosciuszko National Park

- 4.1 In order to avoid or mitigate impacts to the cultural values of KNP, NPWS recommends that DPHI address the measures set out in paragraphs 4.2 to 4.4 (inclusive) in its consent conditions.

Aboriginal cultural heritage

- 4.2 We note that the potential for impacts on Aboriginal cultural heritage has been addressed by the proponent in the statement of environmental effects accompanying the DA. We consider that the due diligence assessment has followed a suitable process. As works are largely on a previously disturbed site, we concur that the potential for impacts is unlikely.
- 4.3 In the event that an Aboriginal object is uncovered during completion of the works, we request that work ceases in the relevant area of the site and that the object is protected from harm. The NPWS must then be notified to arrange for assessment of the object.

Historic heritage

- 4.4 We note that no structures which are the subject of the DA are listed as a heritage item in the SEPP. We do not consider that the development will adversely impact any heritage items.

5. Other matters

Miscellaneous considerations

- 5.1 We note that NPWS has also considered the following matters in its assessment:
- (i) That there is no change proposed to stormwater drainage;
 - (ii) That there is no requirement for realigning water pipes to the subject site or altering mains water supply;
 - (iii) That the works have no public health components, including in relation to food safety; and
 - (iv) That there are no potential impacts of the proposed development on NPWS facilities, infrastructure, and park management.

If you have any further enquiries about this matter please contact the NPWS Assessment Coordinator, Sarah Collum on 02 6450 5684 or at sarah.collum@environment.nsw.gov.au.

Yours sincerely



Kelsey Boreham
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Park Operations Projects, NPWS
16 February 2024