



# Sundowner Ski Run Snowmaking, Thredbo Village

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Development Application Assessment  
DA 21/15136

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

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# Glossary

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

# Executive Summary

This report provides an assessment of a Development Application (DA 21/15136) seeking approval to install new snowmaking mains and associated alterations to infrastructure (while retaining the previous mains within the ground) on or adjacent to the Sundowner ski run, the installation of two new isolation valves (adjacent to the top station of the Gunbarrel Chairlift and the other adjacent to the bottom station of Antons T-bar), and temporary diversion of an existing mountain bike trail during the works, Thredbo Alpine Resort within Kosciuszko National Park (KNP). The Applicant is Kosciuszko Thredbo Pty Ltd.

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

The Department of Planning and Environment (the Department) exhibited the application, being nominated integrated development, between 3 November 2021 and 1 December 2021 in accordance with the Department's Community Participation Plan. The Department also made the application publicly available on the Department's Planning Portal website, at Service NSW Centres, notified all lodges within Thredbo Village of the works and referred the application to relevant government agencies. The Department received comments from 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.

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

- the proposal ensures the operation of snowmaking within Thredbo Alpine Resort for the benefit of guests and visitors utilising the ski slopes
- the works are predominantly located along previously disturbed areas with minimal vegetation impacts
- the proposal is acceptable and does not significantly impact on any threatened species, populations or ecological communities
- suitable erosion and sedimentation control measures are to be installed prior to and during the works that reduces the likelihood of impacts upon Merritts Creek
- the recommended conditions would require construction impacts to be minimised having regard to the existing adjoining native vegetation, all disturbed areas to be rehabilitated following construction and an environmental officer to monitor construction works

The Department's assessment concludes the application is in the public interest as it provides the ability for the Applicant to generate snowmaking across sections of Thredbo Resort that supports the ongoing use of the ski resort supporting 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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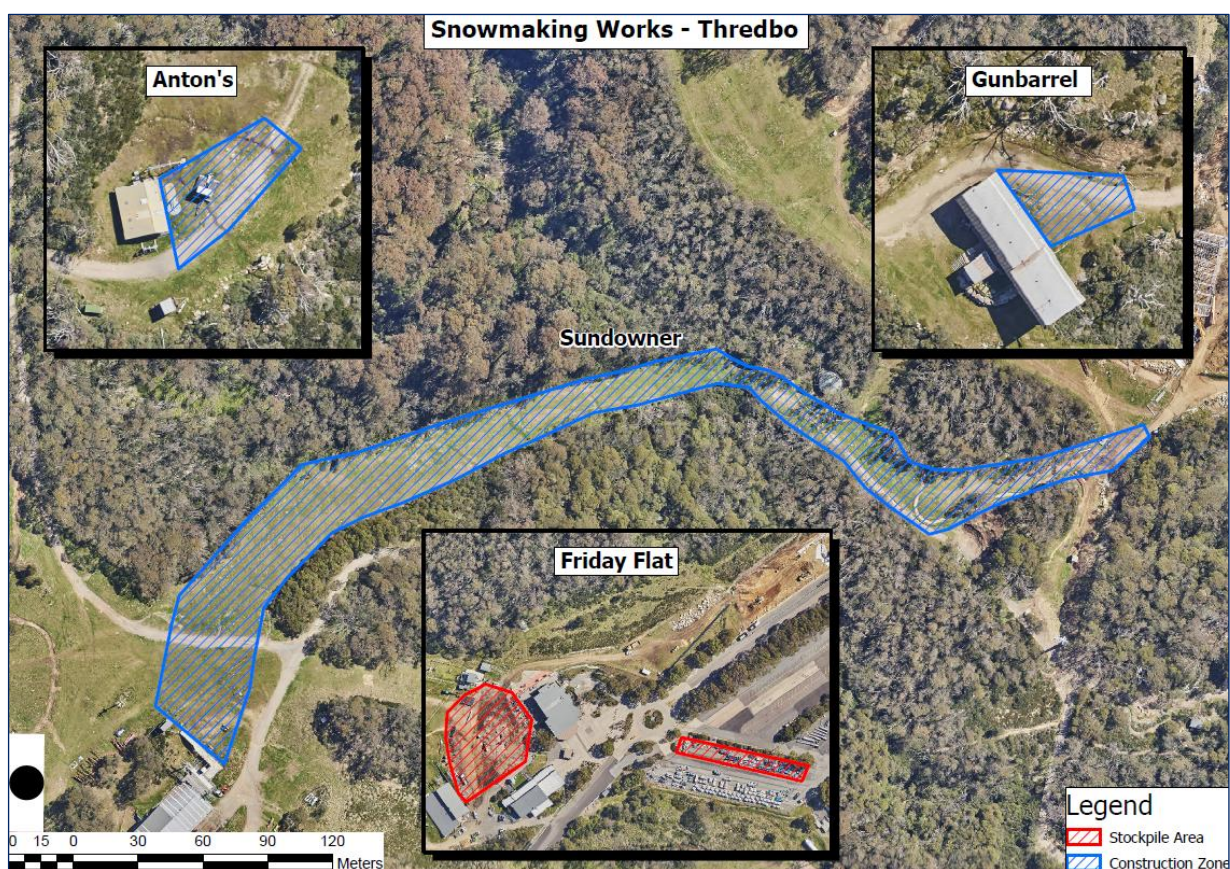


# 1 Introduction

## 1.1 The Department's Assessment

This report details the assessment of Development Application (DA 21/15136) seeking approval for the installation of snowmaking infrastructure on the ski slopes of Thredbo Alpine Resort within KNP.

Kosciuszko Thredbo Pty Ltd are seeking development consent to install new snowmaking mains and associated alterations to infrastructure (while retaining the previous mains within the ground) on or adjacent to the Sundowner ski run, the installation of two new isolation valves (adjacent to the top station of the Gunbarrel Chairlift and the other adjacent to the bottom station of Antons T-bar) and temporary diversion of an existing mountain bike trail during the works – **Figure 1**.



**Figure 1 |** Sites in context of Thredbo Village and adjoining areas, with construction zones for each area identified (Source: Applicant's documentation)

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

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



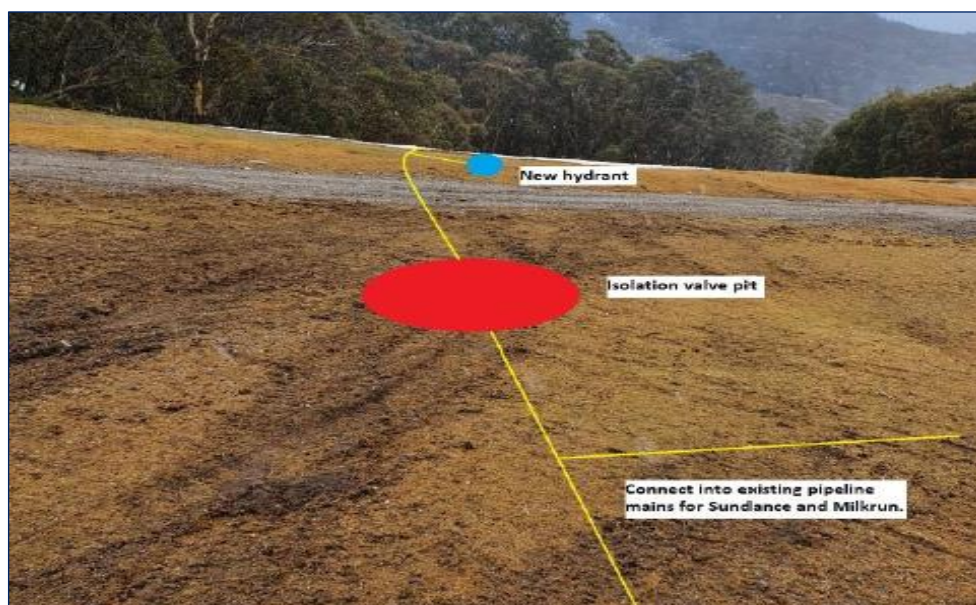
## 1.2 Site context

The site is located in Thredbo Alpine Resort, which is in the southern part of KNP. Thredbo is a year-round tourist destination resort catering for both winter and summer activities. The main component of the proposal includes works within or adjacent to the Sundowner ski run, while other works (being an isolation valve) are located adjacent to the top station of Gunbarrel Chairlift or adjacent to the bottom station of Antons T-bar.

Sundowner ski run provides a connection between the Cat Shed and the High Noon ski run and consists of predominantly disturbed ski slopes with areas native vegetation on the ski slopes edges that funnels the skier before connecting back on High Noon ski run (**Figures 2 and 3**).



**Figure 2 |** Alignment of pipe and hydrants along Sundowner ski run (Source: Applicant's documentation)



**Figure 3 |** Alignment of pipe and valve pit adjacent to Cat Shed (Source: Applicant's documentation)

## 2 Project

The application seeks approval for the following works:

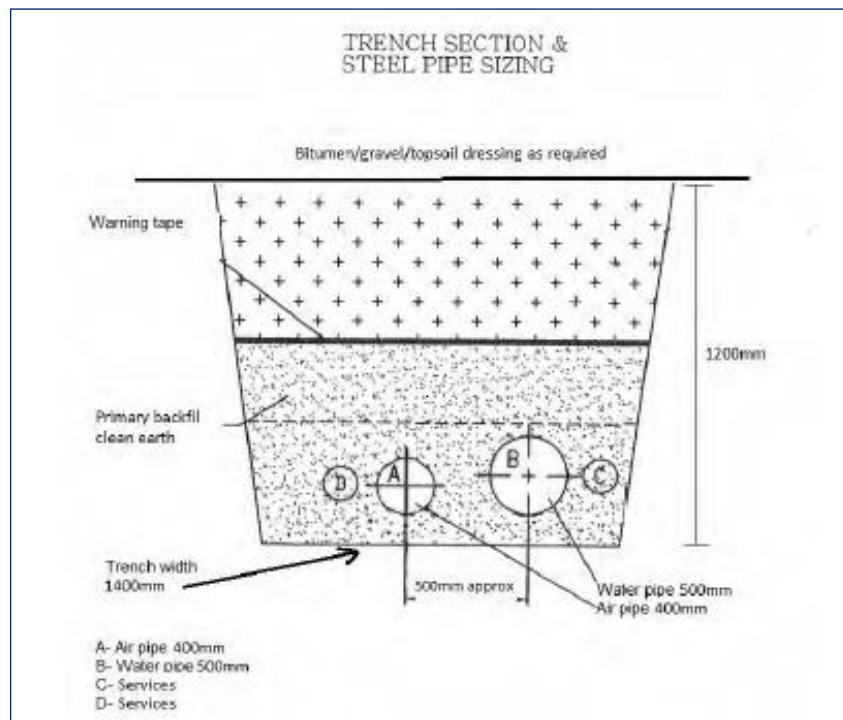
- installation of snowmaking infrastructure (mains and laterals) to replace existing snowmaking infrastructure (to be left in situ) along Sundowner ski run
- relocation of existing lance guns and installation of new hydrants (manual hydrants and hydrant pits)
- installation of two new valve pits Antons T-bar (bottom station) and Gunbarrel Chairlift (top station)
- reconstruction of mountain bike trails within the approved trail corridor following completion of works
- rehabilitation of impacted areas

The proposal has an estimated cost of works of approximately \$1.43 million.

### 2.1 Snowmaking infrastructure

The proposal includes the construction of approximately 540-metre-long snowmaking infrastructure commencing at the lower section of High Noon ski run (at the junction of the previously approved snow making works under DA 10637 that is currently being completed), up along or adjacent to Sundowner ski run, before ending at the junction of the snowmaking infrastructure near the Cat Shed.

The trench for the new snowmaking air and water pipes (1400mm width x 1200mm depth) are to consist of an air and water pipe (500mm and 400mm diameter respectively), a dial and an electrical cable. A disturbed corridor of 10 metres is proposed for the trenching of the main pipelines – **Figure 4**.



**Figure 4 |** Typical trench section with steel pipe sizing (Source: Applicant's documentation)



Lateral pipes / trenches (800mm width x 1000mm depth) would be provided from the main to the existing or new hydrant locations and consist of a water and air pipe (each 50mm in diameter), and a data and an electrical cable. Lateral pipe lengths are typically between 2 to 6 metres long off the main pipeline, except for the proposed manual hydrant location at the top section of the ski run which is approximately 10 to 15 metres. A disturbed corridor of 6 metres is proposed for the trenching of the lateral pipelines.

The location and alignment of the new snowmaking mains and laterals is illustrated in **Figure 6**.

### Valve pits

Three new valve pits are proposed to be installed (2000mm x 1500mm x 1500mm depth) to enable the opening and closing of the system independently. The locations consist of:

- the end of the replacement main along Sundowner ski run
- adjacent to the top station of the Gunbarrel Chairlift (also requiring a short trench for power)
- adjacent to the bottom station of Antons T-bar (also requiring a short trench for power)

### Relocation of hydrants and installation of new hydrants

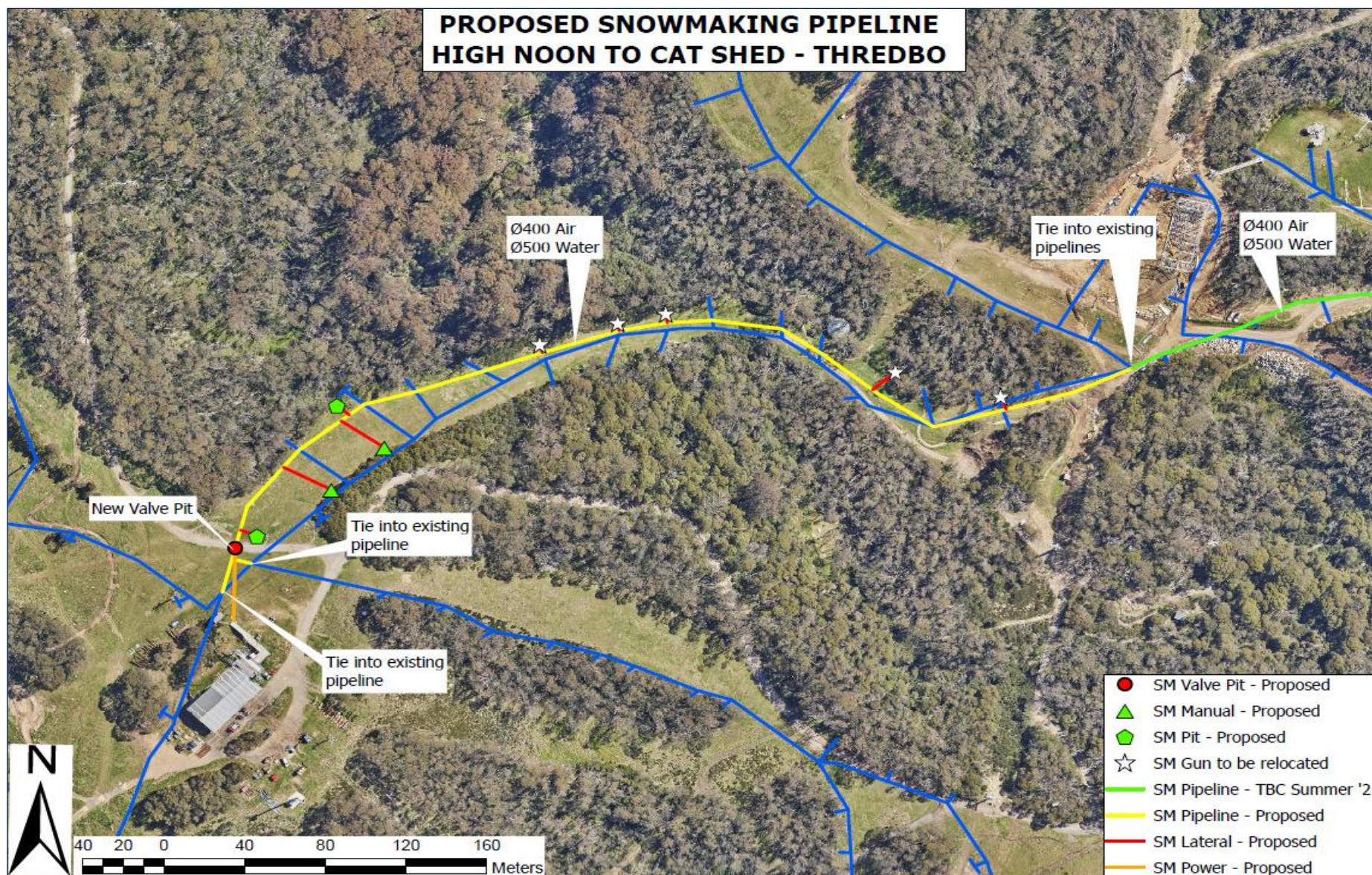
Five existing lance guns are to be relocated on the lower section of Sundowner ski run (moving to the opposite side of the ski slope), two new manual hydrants (**Figure 5**) are to be installed on the upper end of the ski run and two hydrant pits are to be installed to enable connection to a mobile hydrant. New laterals are proposed to connect these components to the mains.

All of the new works are located within the ski slope.



**Figure 5** | Example of a manual hydrant installation (Source: Applicant's documentation)





**Figure 6** | Proposed snowmaking infrastructure alignment (yellow) and existing (blue) to be retained (Source: Applicant's documentation)



## 2.2 Mountain bike trail

To facilitate the proposed works, the Applicant notes that the proposed snowmaking works traverse the existing All Mountain Trail, which would need to be temporarily diverted (**Figure 7**). The Applicant intends to reconstruct the trails within the approved trail corridor following completion of the works.



**Figure 7** | Proposed diverted mountain bike trail (Source: Applicant's documentation)

## 2.3 Access and machinery

Access to the site is achieved via the existing summer access road as well as ski slope for the Sundowner ski run works, and the summer access road, then the road that services the Gunbarrel Chairlift, past the base of the Antons T-bar. Machinery to be used includes 4WD vehicles and utilities, an excavator, front-end / skid-steer loader, telehandler, snow groomer with summer tracks, utility terrain vehicles (UTV), tipper trucks and delivery trucks.

## 2.4 Justification for the proposal

The Applicant states that the proposed snowmaking mains provide the air and water infrastructure for the snowmaking system on the western side of the mountain (i.e., Supertrail) and allow for the resort to open early, improve and maintain the quality of the slopes during the ski season and for the slopes to remain open in marginal conditions. Snowmaking improves seasonal length and viability of the snow season and is considered critical infrastructure for the operation of the ski resort, in particular in mitigating any potential impacts from Climate Change.



### 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 enabling the opening of the Thredbo Alpine Resort earlier and more consistently in marginal conditions, which leads to additional visitation to the NSW ski resorts. The proposal has also minimised its impact on the unique environment through locating the works to have a minimal environmental impact.

#### **Alpine SEPP**

The Alpine SEPP governs development on land within the ski resort areas of KNP. The SEPP aims to protect the natural and cultural heritage of land within the resorts and to encourage environmentally sustainable development. Under the provisions of the 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 utilises existing disturbed area, while rehabilitating areas of disturbance at the completion of works.

## 4 Statutory Context

### 4.1 Consent Authority

Under clause 7 of the Alpine SEPP, the Minister for Planning is the consent authority for the application as the development takes place within a ski resort area as referred to in 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 Permissibility

The proposal includes the installation of new snowmaking infrastructure and ancillary works, consistent with the definition of 'snow-making infrastructure' as defined in the Alpine SEPP. Pursuant to clause 11 of the Alpine SEPP, 'snow-making infrastructure' is permissible with consent within the Thredbo Alpine Resort.

### 4.3 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.

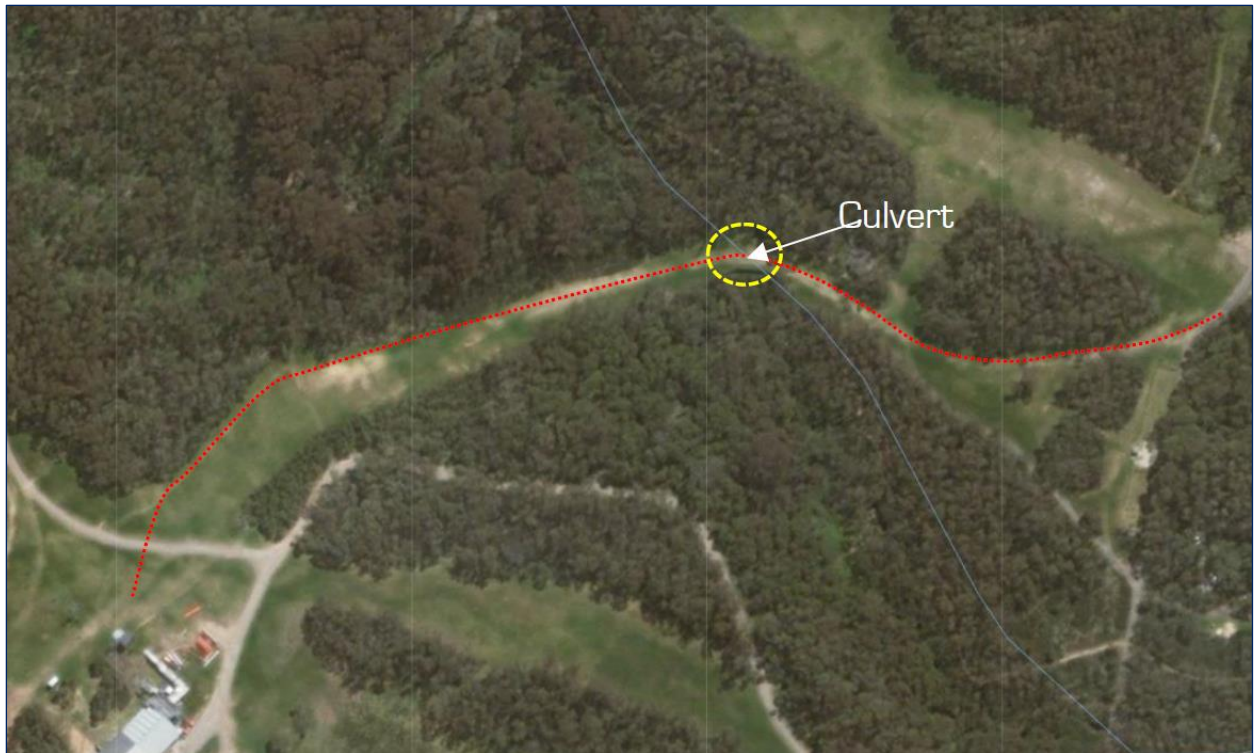
The Applicant's ecologist has commented that the proposed works will not result in any adverse impacts on threatened species, populations or ecological communities and will not have a significant impact on these entities pursuant to the NSW *Biodiversity Conservation Regulation 2016* or the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999*.

The Department has reviewed this comment and the scope of the works and is satisfied that 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 in the order for the development to be carried out, 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 (Merritts Creek) – **Figure 8**. 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*.



**Figure 8** | Proposed alignment (red dotted line) in proximity of Merritts Creek (Source: Applicant's documentation)

#### 4.4 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 area aimed at promoting the orderly and economic use of the site through ensuring snowmaking infrastructure is provided that ensures improved resort operations and access to ski slopes during marginal or early season conditions
- 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 exhibiting the application, notifying all lodges within Thredbo Village, and displaying the proposal on the Department's website during the exhibition period. The Department has considered the issues raised in submissions in **Section 6**



## Ecologically Sustainable Development (ESD)

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

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

- the proposal does not pose a threat of serious or irreversible environmental damage and potential impacts have been identified, with mitigation measures and environmental safeguards recommended
- the proposal is not expected to adversely impact upon the health, diversity or productivity of the environment for future generations
- the Department's assessment has noted that the proposal largely utilises existing disturbed areas and endeavours to minimise environmental impacts
- 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 Applicant advises that to facilitate the proposed works, no native vegetation is required to be cleared; the site is located outside of an area mapped on the BVM and the proposal would not impact on any threatened flora, important fauna habitats, habitat connectivity or any other biodiversity values of conservation significance.

The NPWS concurs with the Applicant's assessment.

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 1** below.

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

**Table 1 | Section 4.15(1) Matters for Consideration**

Section 4.15(1) Evaluation	Consideration
(a)(i) any environmental planning instrument (EPI)	<p>The Alpine SEPP is the only EPI which applies to the site for this type of development. An assessment against the requirements of the Alpine SEPP is provided in <b>Appendix B</b>.</p> <p>The Department is satisfied that the application is consistent with the requirements of the Alpine SEPP.</p>
(a)(ii) any proposed instrument	Not applicable to the proposal.
(a)(iii) any development control plan	Not applicable to the proposal.
(a)(iia) any planning agreement	Not applicable to the proposal.
(a)(iv) the regulations	<p>The application satisfactorily meets the relevant requirements of the EP&amp;A Regulation, particularly the procedures relating to development applications (Part 6) and fees (Part 15, Division 1).</p> <p>The Department has undertaken its assessment in accordance with all relevant matters as prescribed by the regulations, the findings of which are contained within this report.</p>
(a)(v) any coastal zone management plan	Not applicable to the proposal.
(b) the likely impacts of that development	<p>The Department has considered the likely impacts of the development. All environmental impacts can be appropriately managed and mitigated through conditions of consent.</p> <p>The proposal is considered to have positive economic and social impacts by ensuring snowmaking facilities for the benefit of Thredbo Alpine Resort, which ensure visitation to Thredbo.</p>

(c) the suitability of the site for the development,

The site is suitable for the development as discussed in **Section 6** of this report.

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

Consideration has been given to NRAR and NPWS submissions received during the exhibition period. See **Section 5** and **6**, as required, of this report.

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(e) the public interest.

The works are consistent with the aim and objectives of the Alpine SEPP, would be compatible with other snowmaking infrastructure works within Thredbo and there would not be an adverse impact on the environment. The proposal is consistent with the principles of ESD.

As such, the proposal is in the public interest.

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## 5 Engagement

### 5.1 Department's engagement

The Department's Community Participation Plan, November 2019, prepared in accordance with Schedule 1 of the EP&A Act requires nominated integrated development applications be exhibited for a period of 28 days. The Department exhibited the application between 3 November 2021 and 1 December 2021 on the Department's Planning Portal website, at Service NSW Centres and notified all lodges within Thredbo Village of the works.

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

- the Natural Resources Access Regulator (NRAR) pursuant to section 4.46 (integrated development) of the EP&A Act 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 Merritts Creek)
- the NPWS pursuant to clause 17 of the Alpine SEPP

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

### 5.2 Summary of submissions

During the exhibition period, the Department received comments from the NRAR and NPWS and no public submissions objecting to the application.

The NRAR issued General Terms of Approval (GTA) for the proposal, requiring a Controlled Activity Approval under the *Water Management Act 2000* as discussed in **Section 4.3**.

The NPWS did not object to the proposal and:

- provided comments on leasing and the KNP Plan of Management; BC Act; protection of native vegetation, fauna and habitats; Aboriginal cultural heritage; and visual impacts
- recommended the submission of a detailed rehabilitation plan
- recommended conditions to address protection of native vegetation, fauna and habitats, revegetation and machinery and stockpiling

The Department has considered the comments raised in the government agencies submissions during the assessment of the application (**Section 6**).

## 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 issue in the Department's assessment is the impacts of the proposal upon the existing biodiversity.

This issue is discussed below.

### 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:

#### Vegetation removal

The Applicant's ecologist comments that:

- The proposed works will be located on ski runs and other highly disturbed areas that are devoid of native vegetation. As such, there will be no impacts on native vegetation communities or associated fauna habitats. Similarly, there will not be any impacts on threatened flora or important fauna habitats nor will the proposed works adversely affect habitat connectivity or any other biodiversity values of conservation significance.
- The proposed works will not affect directly or indirectly any area of land mapped within the BVM), as shown in **Figure 9** which identifies the works adjacent to Antons T-bar



**Figure 9 |** Biodiversity Values Map illustrating the Antons T-bar site works location in relation to the area containing high biodiversity value (Source: Applicant's documentation)

The NPWS raised no concerns with the proposal and recommended the preparation of a Rehabilitation, Maintenance and Monitoring Plan that outlines the implementation, maintenance, monitoring and reporting of the rehabilitation areas.

The Department considers the proposed alignment, which does not propose the removal of native vegetation to be acceptable. Conditions are recommended to ensure areas impacted by construction be rehabilitated in accordance with the “*Rehabilitation Guidelines for the Resort Areas of Kosciuszko National Park (DECC 2007)*”. An Environmental Officer, appointed by the Applicant, is also recommended to review the works prior to construction and ensure that the proposal meets the identified outcomes.

Overall, the Department supports the proposal on the basis of no native vegetation removal.

### Construction access

Proposals within the Alpine resorts are required to consider their impact of construction activities upon the environment. In this regard, the Applicant advises that access to the sites will be achieved from:

- the existing summer access road as well as the ski slopes for the Sundowner ski run works
- the existing summer access road, then onto the road that services the Gunbarrel Chairlift which also passes the bottom station of Antons T-bar

Machinery to be used includes 4WD vehicles and utilities, an excavator, front-end / skid-steer loader, snow groomer with summer tracks, utility terrain vehicles (UTV), tipper trucks and delivery trucks.

The NPWS commented that stockpile sites, including materials storage areas, parking and waste management (skip bins) must not impact on native vegetation.

The Department is satisfied that the works can be undertaken without causing an adverse impact on the environment, given the majority of the works already occur within disturbed areas.

The Department has recommended the implementation of construction corridors and machinery handling requirements in the recommended conditions with a designated Environmental Officer being appointed by the Applicant to oversee condition compliance prior to the commencement of works.

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

### Proximity to riparian land

The site includes a component of works that traverse Merritts Creek, which is watercourse under the *Water Management Act 2000* and an area identified within a riparian corridor on the Alpine SEPP Thredbo map.

Pursuant to clause 14(1)(m) of the Alpine SEPP, the consent authority must consider the long-term management goals for the riparian land, and whether any measures should be adopted in the carrying out of the development to assist in meeting those goals. The long-term management goals for riparian land are:

- (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

- (b) to ensure that the integrity of areas of conservation value and terrestrial and aquatic habitats of native flora and native fauna is maintained
- (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

The Applicant advised that the protection of terrestrial and aquatic habitats will be achieved by the location of the mains above the culvert and implementing sediment and erosion controls as set out in the SEMP provided separately.

The Department's assessment has considered the works within the Alpine SEPP riparian corridor and the works required to provide the snowmaking pipeline. With the addition of effective erosion and sediment control measures and appropriate rehabilitation of impacts areas, environmental impacts are minimised and acceptable.

In conclusion, the Department is satisfied that the measures proposed by the Applicant, and the conditions are considered adequate to ensure the long-term management goals for riparian land are achieved.

## 6.2 Other issues

The Department's consideration of other issues is provided at **Table 2**.

**Table 2 | Summary of other issues**

Issue	Assessment	Department Consideration and Recommendations
Mountain bike trail diversion	<ul style="list-style-type: none"> <li>Part of the proposed works traverse the existing All Mountain Trail (at the lower section of Sundowner ski run), see <b>Figure 7</b>.</li> <li>As a consequence the Applicant proposes to reconstruct the trail within the approved trail corridor following the completion of the snowmaking works.</li> <li>NPWS raised no concerns with this approach.</li> </ul>	<ul style="list-style-type: none"> <li>The Department's assessment does not raise concerns with either diverting or closure of the impacted sections of trail while construction is occurring.</li> <li>Reinstatement of the trail should occur in the same position, where possible.</li> <li>A condition addressing the above comments is recommended.</li> </ul>
Retention of existing snowmaking mains	<ul style="list-style-type: none"> <li>The Applicant proposes to retain the existing snowmaking main</li> </ul>	<ul style="list-style-type: none"> <li>The Department supports the retention of the existing snowmaking infrastructure within the ground, rather than removing</li> </ul>



within the ski slope to limit impacts on the environment.

- NPWS raised no concerns with the retention of the existing infrastructure.

(creating greater excavation works) and then installing the proposed snowmaking mains / laterals.

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## 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 ensures the operation of snowmaking within Thredbo Alpine Resort for the benefit of guests and visitors utilising the ski slopes
- the works are predominantly located along previously disturbed areas with minimal vegetation impacts
- the proposal is acceptable and does not significantly impact on any threatened species, populations or ecological communities
- suitable erosion and sedimentation control measures are to be installed prior to and during the works that reduces the likelihood of impacts upon Merritts Creek
- the recommended conditions would require construction impacts to be minimised having regard to the existing adjoining native vegetation, all disturbed areas to be rehabilitated following construction and an environmental officer to monitor construction works

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

## 8 Recommendation

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

- **considers** the findings and recommendations of this report
- **accepts** and adopts all of the findings and recommendations in this report as the reasons for making the decision to grant consent to the application
- **agrees** with the key reasons for approval listed in the notice of decision
- **grants** consent for the application in respect of DA 21/15136, subject to the recommended conditions
- **signs** the attached Development Consent (**Appendix C**).

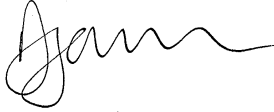
**Recommended by:**

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

Mark Brown  
Senior Planner  
Alpine Resorts Team

## 9 Determination

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

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

Daniel James  
Team Leader  
Alpine Resorts Team

as delegate of the Minister for Planning

10 February 2022



# 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 and Environment's website as follows.

1. Statement of Environmental Effects
2. Submissions

<https://www.planningportal.nsw.gov.au/publications/exhibitions-and-publications/development-applications-exhibition>

## Appendix B – Statutory Considerations

### OBJECTS OF THE EP&A ACT

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

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

Objects of the EP&A Act	Consideration
(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,	<p>The proposal supports the ongoing use of Thredbo Alpine Resort for tourism through ensuring consistency of snowmaking of existing ski runs.</p> <p>The location of the works and construction impacts minimising impacts on the environment due to predominantly utilising existing disturbed areas.</p>
(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,	<p>The proposed alignment has avoided sensitive areas and no impacts upon native vegetation (with works proposed within previously disturbed areas). Mitigation measures during construction and rehabilitation of impacted areas deliver an ecologically sustainable development which are supported.</p>
(c) to promote the orderly and economic use and development of land,	<p>The development seeks approval for works that are aimed at ensuring the ongoing operation of snowmaking within Thredbo Alpine Resorts that improves ski runs and visitor safety.</p>
(d) to promote the delivery and maintenance of affordable housing,	<p>Not applicable to proposal.</p>
(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,	<p>The impacts upon the environment have been limited where possible, with the Applicant ecologist stating that the proposed works will not result in any adverse impacts on threatened species, populations or ecological communities and will not have a significant impact on these entities pursuant to the NSW <i>Biodiversity Conservation Regulation 2016</i> or the</p>

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

## 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 (Kosciuszko National Park – Alpine Resorts) 2007* (Alpine SEPP) is the only EPI applicable to the development. Consideration of relevant matters 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 of the Alpine SEPP in that it is consistent with the principles of ESD and supports the ongoing use of the ski resort.
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(b) the conservation of the natural environment and any measures to mitigate environmental hazards (including geotechnical hazards, bush fires and flooding),	<p>The proposal is appropriate as it retains the existing snowmaking infrastructure in-situ rather than a greater disturbance if the proposal included removal.</p> <p>Geotechnical considerations have been adequately assessed by the Applicant and recommendations are provided to be following prior to construction and during works.</p> <p>There are no other known environmental hazards associated with the site.</p>
(c) the cumulative impacts of development on existing transport, effluent management systems, waste disposal facilities or transfer facilities, and existing water supply,	<p>No adverse cumulative impacts are anticipated as the proposal relates to improvements to an existing snowmaking system that will not result in any changes to existing transport, effluent management systems, waste disposal facilities, transfer facilities or water supply.</p>
(d) any statement of environmental effects,	<p>The SEE and information supplied are considered adequate to enable a proper assessment of the works.</p>
(e) the character of the alpine resort,	<p>The proposal would not adversely alter the character of the resort. Providing access to improved and safer ski runs through ensuring the reliability of snowmaking is in the Applicant's interest.</p>
(f) the Geotechnical Policy – Kosciuszko Alpine Resorts,	<p>The site is within the G zone identified on the Department's Geotechnical Policy – Kosciuszko Alpine Reports Thredbo Map. The Application is supported by a Geotechnical Investigation and Form 4 (Minimal Impact Certification) prepared by Assetgeoenviro.</p> <p>The Geotechnical Investigation provides commentary and recommendations for installation of the proposed snowmaking infrastructure, which would need to be implemented during construction.</p>
(g) any sedimentation and erosion control measures,	<p>The construction of the works would involve earthworks and implementation of appropriate sedimentation and erosion control measures.</p> <p>Sedimentation and erosion control conditions are recommended, including the adoption of the Site</p>



Environmental Management Plan (SEMP) measures prior to the commencement of works.

(h) any stormwater drainage works proposed,	No negative impacts to stormwater or drainage are anticipated.
(i) any visual impact of the proposed development, particularly when viewed from the Main Range,	The proposal will not result in an unacceptable visual impact as the works would be consistent with other infrastructure within the locality, which partly blends into the landscape.
(j) any significant increase in activities, outside of the ski season,	The proposal does not result in an increase in activities outside the ski season.
(k) if the development involves the installation of ski lifting facilities,	The proposal does not involve the installation of any new ski lifting facilities.
(l) if the development is proposed to be carried out in Perisher Range Alpine Resort: the document entitled Perisher Range Resorts Master Plan (PRRMP) and the document entitled Perisher Blue Ski Slope Master Plan,	Not applicable to proposal.
(m) if the development is proposed to be carried out on land in a riparian corridor.	The proposal includes works within 40 metres of tributaries of Merritts Creek. Comments received from the NRAR are discussed in <b>Section 4</b> and <b>5</b> .

#### CI 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 as required, discussions on proposal at **Section 6**.

#### CI 26 – Heritage conservation

European heritage	The proposal would not impact on any European heritage items.
Aboriginal heritage	The NPWS advised that 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 be uncovered during construction, any works impacting the objects must cease immediately and the NPWS contacted for assessment of the site.

A condition is recommended addressing NPWS comments.

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## **Appendix C – Recommended Instrument of Consent**