

Notice of decision

Section 2.22 and clause 20 of Schedule 1 of the *Environmental Planning and Assessment Act 1979*

Application type	Development Application
Application number and project name	DA 22/458 – Friday Flat and Middle Slopes Snowmaking Infrastructure, Thredbo Village, Thredbo Alpine Resort
Applicant	Kosciuszko Thredbo Pty Ltd
Consent Authority	Minister for Planning

Decision

The Team Leader of the Alpine Resorts Team under delegation from the Minister for Planning has, under s.4.16 of the *Environmental Planning and Assessment Act 1979* (**the Act**) granted consent to the development application subject to the recommended conditions and any additional conditions.

A copy of the development consent and conditions is available:

<https://www.planningportal.nsw.gov.au/daex/determined>

A copy of the Department of Planning, Industry and Environment's Assessment Report is available:

<https://www.planningportal.nsw.gov.au/daex/determined>

Date of decision

31 March 2022

Reasons for decision

The following matters were taken into consideration in making this decision:

- the relevant matters listed in section 4.15 of the Act and the additional matters listed in the statutory context section of the Department's Assessment Report;
- the prescribed matters under the *Environmental Planning and Assessment Regulation 2000*;
- the objects of the Act;
- all information submitted to the Department during the assessment of the development application and any additional information considered in the Department's Assessment Report;
- the findings and recommendations in the Department's Assessment Report; and
- the views of the community about the project (see Attachment 1).

The findings and recommendations set out in the Department's Assessment Report were accepted and adopted as the reasons for making this decision.

The key reasons for granting consent to the development application are as follows:

- the project is permissible with development consent under the *State Environmental Planning Policy (Precincts - Regional) 2021* and is consistent with NSW Government policies including the *South East and Tableland Region Plan 2036* aim to increase visitation to NSW ski resorts;
- the impacts on the community and the environment can be appropriately minimised or managed to an acceptable level, in accordance with applicable NSW Government policies and standards. The consent authority has imposed conditions relating to construction standards, environmental considerations, post construction certification and rehabilitation;
- the issues raised by the community during consultation and in submissions have been considered and adequately addressed by the Applicant and in the Department's Assessment Report; and
- weighing all relevant considerations, the project is in the public interest.

Attachment 1 – Consideration of Community Views

The Department's Community Participation Plan, November 2019, prepared in accordance with schedule 1 of the Act requires applications for nominated integrated development to be exhibited for a period of 28 days. The Department exhibited the application between 24 January 2022 and 21 February 2022.

The Natural Resources Access Regulator provided comments pursuant to section 4.46 (integrated development) of the 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 and a tributary of Merritts Creek).

Comments were also received from the National Parks and Wildlife Service.

The issues raised by the Natural Resources Access Regulator and the National Parks and Wildlife Service are addressed in detail in the Department's Assessment Report.

One public submission was received objecting to the proposal. The key issues raised by the community member and considered in the Department's Assessment Report and by the decision maker include concern that works had commenced without consent, inadequacy of soil and erosion control measures and weed management, lack of overview of contractors working in the Thredbo Alpine Resort, and request for habitat protection and restoration. The issues are addressed in detail in the Department's Assessment Report and tabulated below.

<i>Issue</i>	<i>Consideration</i>
<i>Works had commenced without consent</i> <ul style="list-style-type: none">photographs provided to the Department documenting works underway during the assessment process	<i>Assessment</i> <ul style="list-style-type: none">The works identified in the photographs were being carried out on a separate site within the Thredbo Alpine Resort in accordance with an existing approval, and the Submitter was advised of same.The consent authority is satisfied that the proposed works are acceptable. <i>Conditions</i> <ul style="list-style-type: none">No conditions.
<i>Inadequacy of soil and erosion control measures and weed management</i> <ul style="list-style-type: none">concerns based on observation of construction operations within the Thredbo Alpine Resort andlack of weed management, including brambles, scotch thistle and lantana	<i>Assessment</i> <ul style="list-style-type: none">The Applicant's Response to the submission included comment that lantana is an eastern Australian coastal weed that is not found in the Snowy Mountains.Should non-compliance be advised to the Department or detected during routine review of works then compliance action can be initiatedThe consent authority is satisfied that the proposed works are acceptable. <i>Conditions</i> <ul style="list-style-type: none">Conditions have been included requiring that site management measures are operating during works and rehabilitation is carried out at the completion of works.
<i>Lack of overview of contractors working in the Thredbo Alpine Resort</i> <ul style="list-style-type: none">concerns that contractors are damaging the environment	<i>Assessment</i> <ul style="list-style-type: none">If non-compliance has been advised to the Department or detected during routine review of works then compliance action can be initiated.The consent authority is satisfied that the proposed works are acceptable. <i>Conditions</i> <ul style="list-style-type: none">Conditions have been included requiring contractors to be aware of the Site Environmental Management Plan.

<p><i>Habitat protection and restoration</i></p> <ul style="list-style-type: none"> • introduction of carbon footprint caps sought and offsets in the form of ecological restoration projects in KNP • request for a commitment to habitat restoration 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • There is no requirement for participation in a carbon offset scheme. The suggestion to consider carbon footprint has been shared with the Applicant. • There is no key habitat being impacted by the proposal. • The consent authority is satisfied that the proposed works are acceptable. <p><i>Conditions</i></p> <ul style="list-style-type: none"> • No conditions.
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