



Friday Flat and Middle Slopes Snowmaking Infrastructure, Thredbo

Development Application Assessment
DA 22/458

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Glossary

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

Executive Summary

This report provides an assessment of a Development Application (DA 22/458) seeking approval to install new snowmaking infrastructure within the Friday Flat Ski Area (Friday Flat) and Middle Slopes, Thredbo Alpine Resort, located in Kosciuszko National Park (KNP). The Applicant is Kosciuszko Thredbo Pty Ltd.

On 1 March 2022, the *State Environmental Planning Policy (Kosciuszko National Park-Alpine Resorts) 2007* (the Alpine SEPP) was consolidated into of the *State Environmental Planning Policy (Precincts - Regional) 2021* (known as Precincts - Regional SEPP in this report). The SEPP consolidation is administrative. No policy changes have been made.

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 the Chapter 4 of the Precincts - Regional SEPP.

The Department of Planning and Environment (the Department) exhibited the application, being nominated integrated development, between 24 January 2022 and 21 February 2022 in accordance with the Department's Community Participation Plan. The Department also made the application publicly available on the Department's Planning Portal website, notified 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. One (1) submission from the public was 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 improves 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 watercourses,
- the recommended conditions require construction impacts to be minimised having regard to the protection of existing adjoining native vegetation and the rehabilitation of disturbed areas following construction, with an environmental officer to monitor construction works.

The Department's assessment concludes that supporting the application is in the public interest as the development enhances snowmaking capacity across sections of Thredbo Alpine Resort while avoiding adverse impacts on the environment. The resultant works will deliver infrastructure to augment snow cover within the resort, thereby encouraging visitation to the site and helping sustain resort viability. The anticipated development outcomes are consistent with the objectives of the regional plan for the locality and Chapter 4 of the Precincts - Regional SEPP. Therefore, the Department 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 22/458) seeking approval for the installation of snowmaking infrastructure on the ski slopes of Thredbo Alpine Resort within KNP.

Kosciuszko Thredbo Pty Ltd (the Applicant) are seeking development consent to undertake works at Friday Flat and Middle Slopes Ski sites within the southern area of Lot 876 Deposited Plan 1243112 – **Figure 1**.

At Friday Flat they propose to remove five (5) existing lance snowmaking guns and instal five (5) new concrete pits with fixed fan guns and three (3) retractable concrete pits with mobile fan guns, as well as one (1) new manual hydrant. The eight (8) new fan guns and manual hydrant will require trenching to each for the laying of cabling as depicted in **Figure 2**.

At the Middle Slopes site, the proposed works comprise the installation of four (4) manual hydrants and trenching for the laying of cabling to the manual hydrants as depicted **Figure 3**.

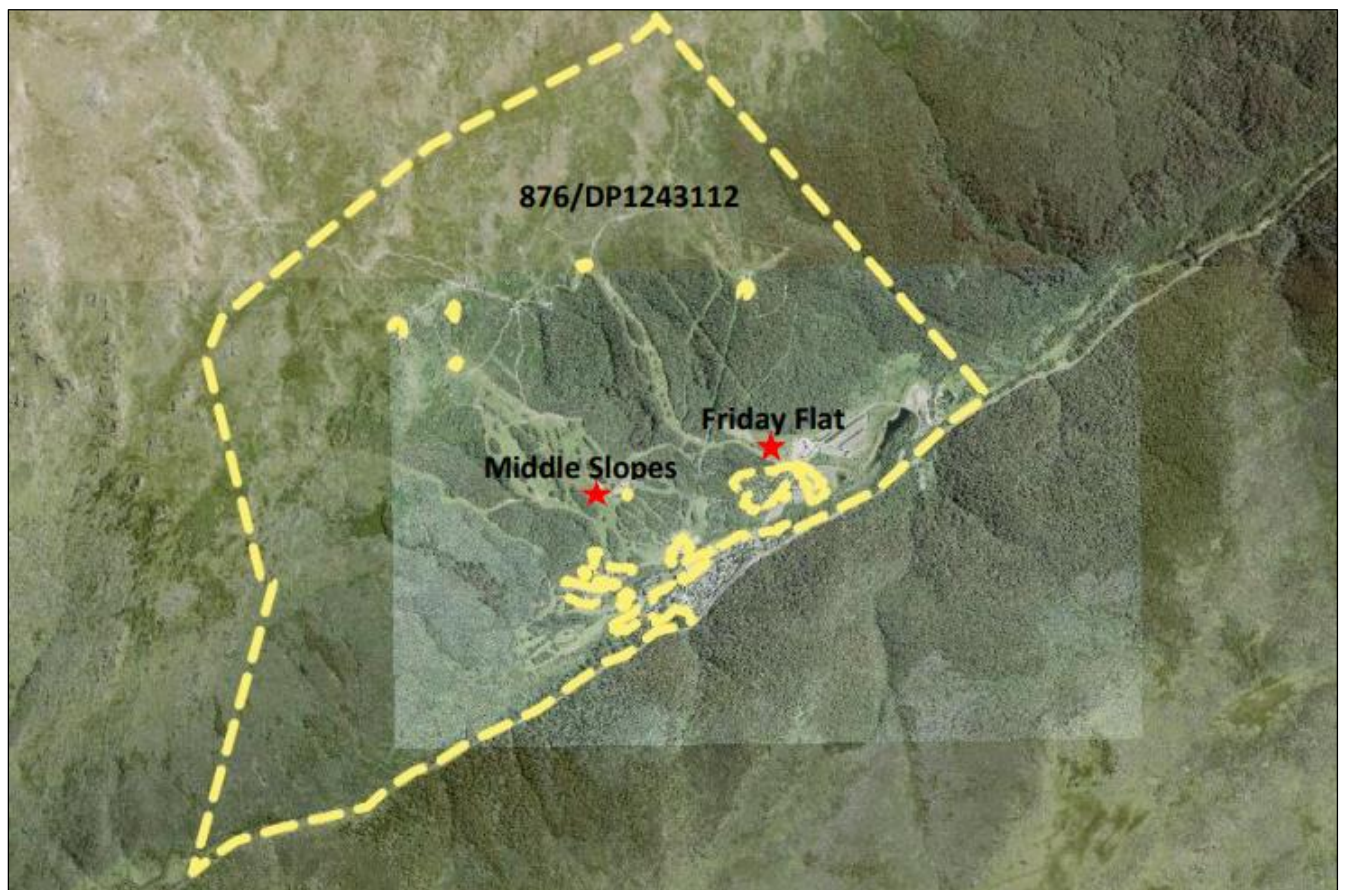


Figure 1 | Sites in context of Thredbo Village and adjoining areas (Source: Applicant's documentation)



Figure 2 | Friday Flat work site and adjoining Thredbo Village, with construction elements identified (Source: Applicant's documentation)



Figure 3 | Middle Slopes work site, with manual hydrant and trenching locations 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 two sites are located within the Thredbo Alpine Resort, which is approximately thirty (30) kilometres south-west of Jindabyne in the southern part of KNP. Thredbo is a year-round tourist destination resort catering for both winter and summer activities. The Friday Flat component of the proposal adjoins the 'Easy Does It' ski run, located to the north of Thredbo Village. The Middle Slopes component is to the north-west of Thredbo Village, located south of the Meadows Nature Track where the proposed infrastructure will be installed parallel to the Kosciuszko Express chair lift at a distance of approximately sixty (60) metres to the south-west – **Figure 4**.

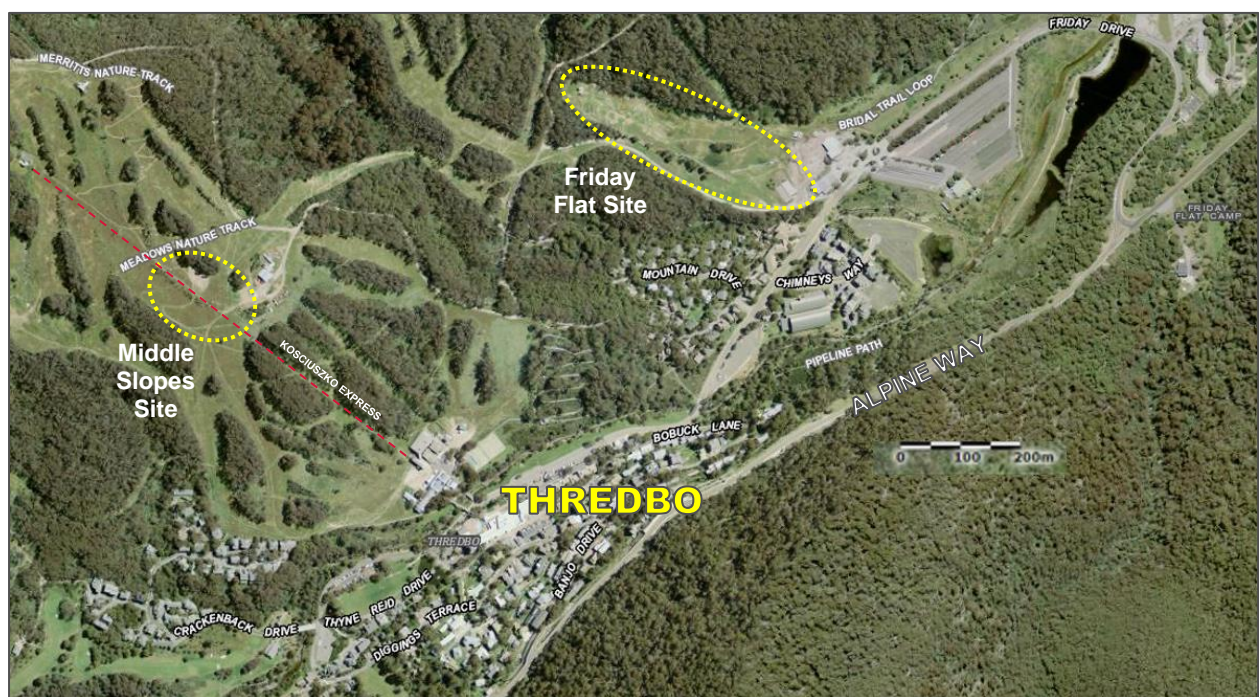


Figure 4 | Middle Slopes and Friday Flat work sites (highlighted) (Source: SIX Maps 2022 with Department of Planning and Environment annotations)

2 Project

2.1 Snowmaking infrastructure

The application seeks approval for the installation of snowmaking infrastructure that will comprise the following components:

At Friday Flat:

- removal of five (5) existing lance guns (with pits to remain)
- installation of five (5) concrete pits (1140mm x 1640mm wide x 1610mm deep) and five (5) TT10 fan guns (1220mm x 1780mm wide x 4600mm high) - **Figure 5** and **Figure 6**
- installation of three (3) retractable concrete pits for TR10 mobile fan guns - **Figure 7**
- installation of one (1) manual hydrant for mobile fan gun - **Figure 8**
- trenching (600mm wide x 600-800mm deep) and laying of electrical cabling, water pipe and air pipe to new guns and manual hydrant - **Figure 9**

At Middle Slopes:

- construction of temporary diversion trail from the Cannonball Downhill Mountain Bike (MTB) Trail
- installation of four (4) manual hydrants - **Figure 8**
- trenching (600mm wide x 60m-80mm deep) and laying of electrical cabling and snowmaking pipe to manual hydrants - **Figure 9**

The location and alignment of the new snowmaking infrastructure is illustrated in **Figure 2** and **Figure 3**.

The proposal has an estimated cost of works of approximately \$1, 249, 600.

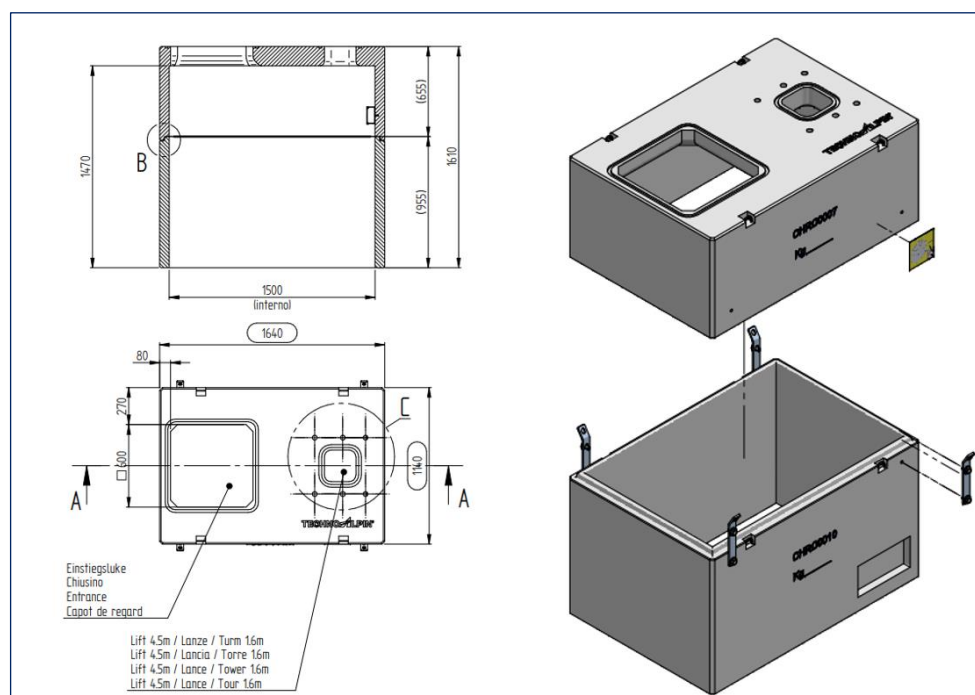


Figure 5 | Universal concrete pit dimensions and image (Source: Applicant's documentation)

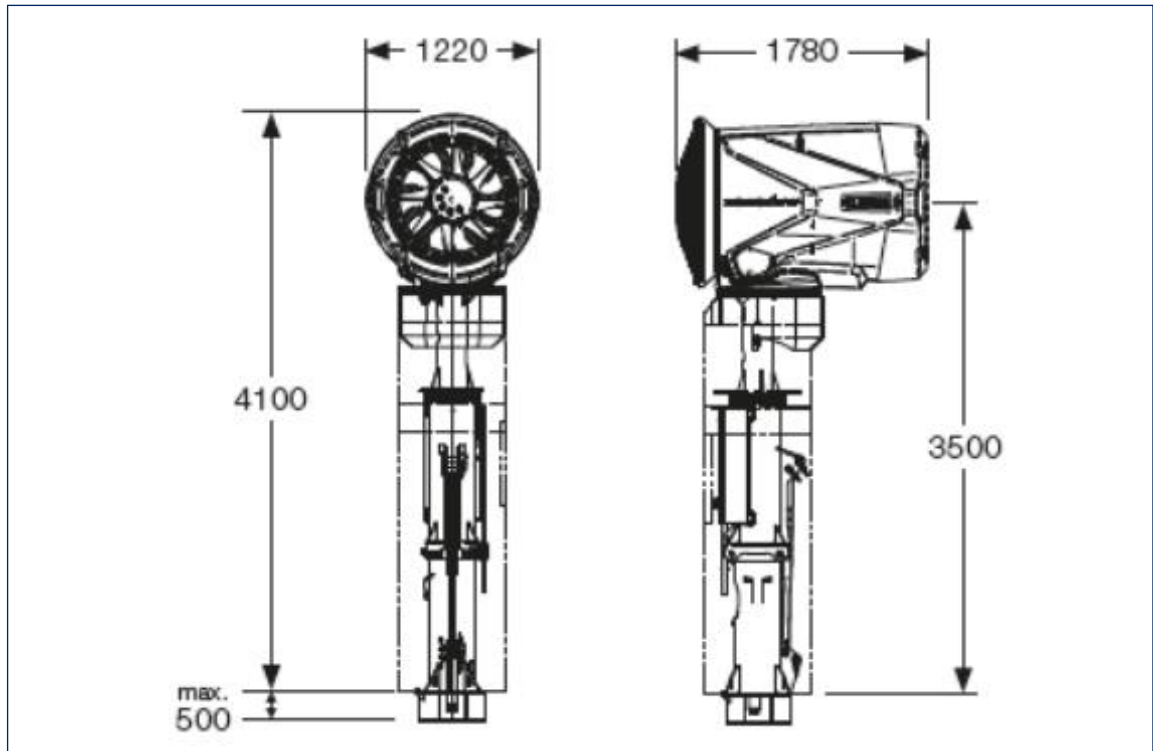


Figure 6 | TT10 Fan Gun dimensions (Source: Applicant's documentation)



Figure 7 | Example of TR10 Mobile Fan Gun (Source: Applicant's documentation)



Figure 8 | Example of manual hydrant installation (Source: Applicant's documentation)

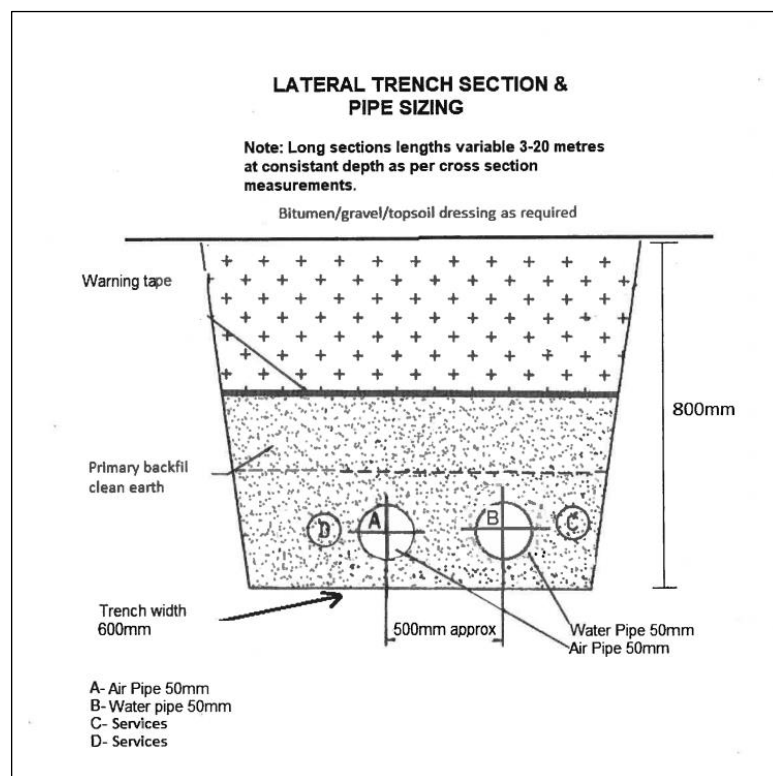


Figure 9 | Typical manual hydrant lateral trench section with pipe sizing (Source: Applicant's documentation)

Excavation works

The Friday Flat and Middle Slopes site works to install snowmaking infrastructure are anticipated to cause areas of excavation disturbance as outlined in **Table 1**.

Table 1 | Friday Flat and Middle Slopes Areas of Excavation

Development Component	Excavation Dimensions	Approx. Disturbance Footprint
Electrical trench	(approx. 1000m length x 0.60m width)	600 m ²
Lateral trenches	(approx. 64 x 0.6 m)	38.4 m ²
Five (5) Manual hydrants	(approx. 1.0m x 1.0m = 1.0 m ²)	5 m ²
Three (3) retractable pits	(each approx. 3.0m x 3.0 m wide = 9 m ²)	27 m ²
Five (5) concrete pits	(approx. 3.0m x 3.0m wide = 9 m ²)	45 m ²
Total:		715.4 m² (0.072 hectares)

It is noted that the areas of ground disturbance estimated by the Applicant as outlined in **Table 1** relate only to areas of excavation, and do not include disturbance to ground areas due to associated construction activities such as the operation of surface machinery, the relocation of the MTB trails, areas used for stockpiling and the like.

The excavation depths for electrical and lateral trench and manual hydrants are to be between 0.6-0.8 metres deep - **Figure 9**. The concrete pits supporting the snowmaking guns are to be embedded at a maximum depth of 1.6 metres, with the top of the concrete pit and access door raised above ground level to enable access - **Figure 10**.



Figure 10 | Example of snowmaking gun installation on concrete pit (Source: Applicant's documentation)

Five existing lance guns at Friday Flat are to be removed and five new TT10 fan guns on new pits located near the former lance guns locations on the lower section of the Easy Does It ski run. The three retractable pits and mobile fan guns lower on the Friday Flat slope are additional to the current number of snowmaking guns servicing this ski run. New lateral trenching will be undertaken to connect these components to the mains.

2.2 Mountain bike trail

The Applicant notes that the proposed snowmaking infrastructure works traverse the existing Friday Flat Loop Mountain Bike (MTB) Trail and Middle Slopes Cannonball Downhill MTB Trail – **Figure 11** and **Figure 12**. The trails will be closed when construction works are within proximity to the trails for the safety of trail users and workers.

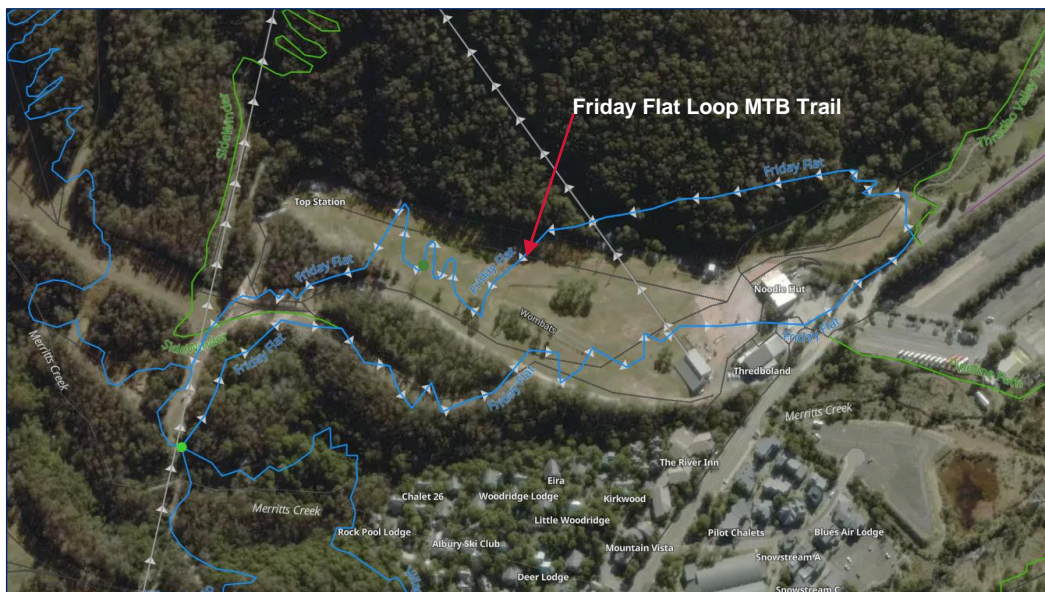


Figure 11 | Current location of the Friday Flat Loop Mountain Bike Trail (highlighted)(Source: Mapbox 2022)

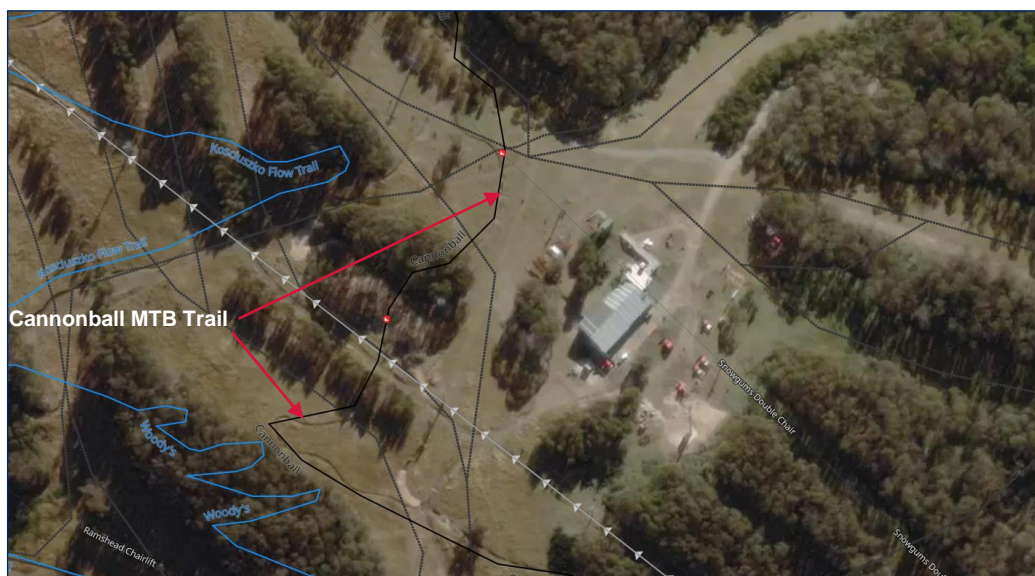


Figure 12 | Current location of the Cannonball Mountain Bike Trail through Middle Slope (highlighted) (Source: Mapbox 2022)

2.3 Stockpile Site

The main stockpile location is located near the carpark adjacent to the Thredbo Waste Transfer Station - **Figure 13**. Access to this location will be restricted to staff and contractors working for the Applicant. Temporary stockpiles will be required within the construction corridor to effectively manage materials during the works. Where required, these sites will be located on disturbed areas and avoid native vegetation. Excess spoil from excavations will be taken off-site and placed within the Resort's existing stockpile locations at the top carpark for re-use within the Resort.

Temporary stockpiles will be located directly adjacent to the works within disturbed areas, avoid adjacent native vegetation, and not be within forty (40) metres of any watercourse. All stockpiles will be managed in accordance with the *Soil Stockpile Guidelines for the Resort Areas of Kosciuszko National Park* (OEH 2017) (Soil Stockpile Guidelines) and the Erosion and Sediment Control Plan (ESCP).



Figure 13 | Main stockpile location adjoining the carpark at Thredbo Waste Transfer Station (highlighted)
(Source: Applicant's Documentation)

2.4 Access and machinery

Access to the site is achieved via Friday Drive and then the Mountain Summer Access Road and existing summer trails that service the locality – **Figure 14**. 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.

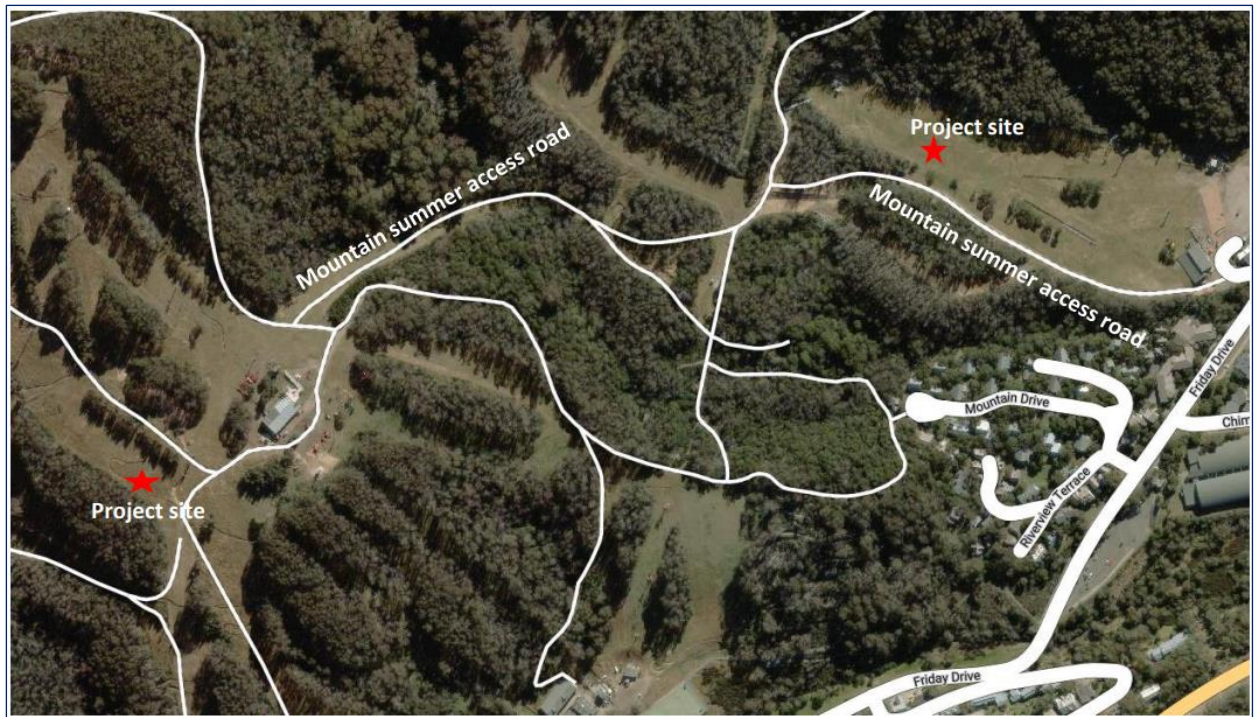


Figure 14 | Site access network (Source: Applicant's documentation)

2.5 Justification for the proposal

The Applicant, advises that the improved technology of fan guns increase efficiencies and snowmaking performance, allowing for a higher snow output, optimum energy efficiency and resource conservation. The new infrastructure is sought to improve and maintain the quality of the slopes during the ski season and to enable snowmaking in marginal conditions for the slopes to remain open longer. Snowmaking improves seasonal length and viability of the snow season and is considered critical infrastructure for the operation of the ski resort, particularly in mitigating impacts from adverse seasonal conditions and against potential 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 *Precincts - Regional 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 alpine environment through locating the works to have a minimal environmental impact.

Precincts - Regional SEPP

The Precincts - Regional SEPP governs development on land within the ski resort areas of KNP. Chapter 4 of the SEPP aims to protect and enhance the natural environment of the alpine resorts by ensuring that development in the resorts is managed in a way that is compatible with the principles of ecologically sustainable development (including the conservation and restoration of ecological processes, natural systems and biodiversity). Under the provisions of Clause 4.15 of the 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 park.

The Department considers the proposal is consistent with the Precincts - Regional SEPP as the proposal comprises ski resort development in the Thredbo Alpine Resort, which contributes to the ongoing range of recreational activities available in KNP in an ecologically sustainable way and without resulting in adverse environmental, social or economic impacts on the natural or cultural environment.

4 Statutory Context

4.1 Consent Authority

Under clause 4.6 of the Precincts - Regional 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 9 March 2022, 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, and
- the application is in relation to land which the Precincts - Regional 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 Chapter 4 of the Precincts - Regional SEPP. Pursuant to clause 4.9 of the Precincts - Regional 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 at the Friday Flat site occur within forty (40) metres of both an unnamed watercourse that is a tributary of Merritts Creek

as well as within forty (40) metres of Merritts Creek – **Figure 15**. 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*.

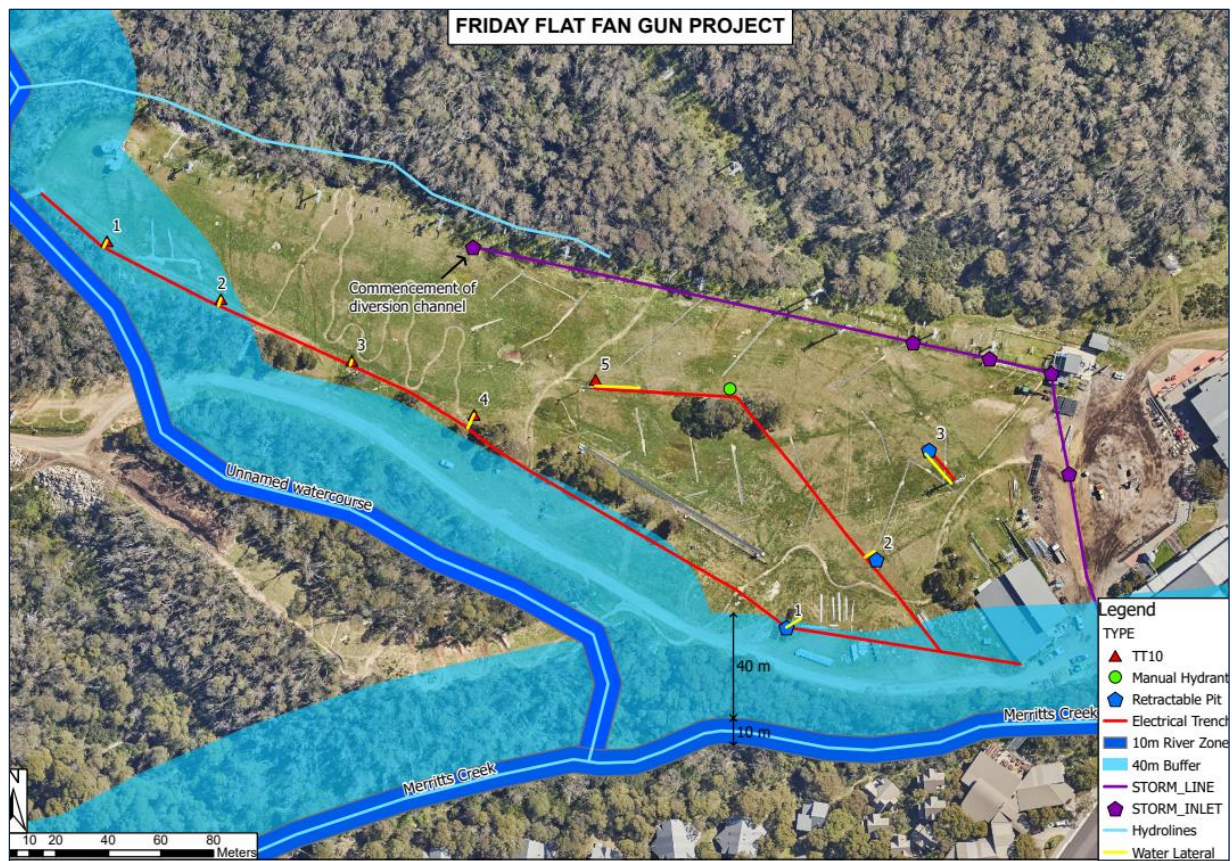


Figure 15 | Proposed alignment (red line) in proximity of an unnamed watercourse and Merritts Creek (Source: Applicant's documentation)

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 promote 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, and

- 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, and
- 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 is not expected to 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 2** 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 2 | Section 4.15(1) Matters for Consideration

Section 4.15(1) Evaluation	Consideration
(a)(i) any environmental planning instrument (EPI)	<p>The Precincts - Regional SEPP is the only EPI which applies to the site for this type of development. An assessment against the requirements of the SEPP is provided in Appendix B.</p> <p>The Department is satisfied that the application is consistent with the requirements of Chapter 4 of the Precincts - Regional 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&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	The Department has considered the likely impacts of the development. All environmental impacts can be

appropriately managed and mitigated through conditions of consent.

The proposal is considered to have positive economic and social impacts by ensuring snowmaking facilities which will help support ongoing visitation of the Thredbo ski areas for the benefit of Thredbo Alpine Resort.

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

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

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

Consideration has been given to submissions received from the NRAR and NPWS during the exhibition period and to the submission by a member of the public. See **Section 5** and **6** of this report.

(e) the public interest.

The works are consistent with the aim and objectives of Chapter 4 of the Precincts - Regional SEPP, and are compatible with other snowmaking infrastructure works within Thredbo.

Temporary impacts to the environment have been identified that will be appropriately managed, mitigated and contained. The development is considered to support the economic viability of the Resort while maintaining the health and diversity of the environment, thereby supporting the principles of ESD.

The proposal is considered to be consistent with the public interest.

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 twenty-eight (28) days. The Department exhibited the application between 24 January 2022 and 21 February 2022 on the NSW Planning Portal 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*, which is required for the development to be carried out (works are proposed within forty metres of Merritts Creek and an unnamed tributary), and
- the NPWS pursuant to clause 4.5 of the Precincts - Regional SEPP.

Following the exhibition of the application, the Department placed copies of all submissions received on its website and provided the Applicant with an opportunity to 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 one (1) public submission objecting to the proposal.

5.3 Key issues – Government Agency

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 and modified SEMP, and
- recommended conditions to address protection of native vegetation, fauna and habitats, revegetation and site works.

The Department has considered the comments raised in the government agencies submissions during the assessment of the application in **Section 6** and through recommended conditions in the instrument of consent at **Appendix C**.

5.4 Key issues - public submission

One public submission was received during the exhibition of the proposal objecting to the application, in which the following specific matters were raised:

- 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
- request for the introduction of carbon footprint caps and offsets in the form of ecological restoration projects in KNP
- request for a commitment to habitat restoration

Future certification of a project that has not been approved is not a relevant matter for consideration during the assessment process.

5.5 Response to the public submission

The Department acknowledged the public submission and advised the Submitter that the photographs provided with the objection (to illustrate where construction had commenced without consent) were of a location where works were underway in an adjacent area of the Thredbo Alpine Resort. The works identified were being carried out in accordance with an existing approval. The Applicant was advised of the concerns raised relating to the perceived deficiency of effective erosion controls and weed management for that site.

The Department is happy to review where concerns are raised as to unauthorised works being carried out in the Thredbo Alpine Resort where development matters are reported to us.

Legislation such as the *NSW Biodiversity Conservation Act 2016* (the BC Act) and the *Commonwealth Environment Protection and Biodiversity Conservation Act 1999* (the EPBC Act) outlines the statutory process to identify where development or an activity is likely to significantly effect threatened species or ecological communities, or their habitats. The current proposal was reviewed in accordance with the BC Act (refer to Section 4.4 of this Report). It was determined that the nature, location, extent and impact of the proposed works were insufficient to trigger the Biodiversity Offset Scheme, which prescribes the rules by which the Department would have authority to require biodiversity offset credits. While there is currently no NSW legislation that enables the Department to compel developers to adopt a carbon footprint cap, the recommendation was put to the Applicant for their advice and consideration. Nor does the proposal trigger further assessment in accordance with the provisions of the EPBC Act in relation to matters of national environmental significance.

Where development works cause site disturbance, the Department is cognisant of the need to facilitate appropriate development in the alpine resort areas while minimising adverse impacts on the natural environment. Conditions of consent will be applied to ensure that site management measures are operating during works and rehabilitation is carried out at the completion of works, consistent with the public interest.

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

A flora and fauna assessment report (F&FA) was undertaken in relation to the proposal, in which the Applicant's ecologist comments that:

- The proposed works will be located on ski runs and other highly disturbed areas that are devoid of significant native vegetation. Where the electrical trench on Friday Flat traverses a tree island, it will be located in an existing gap to avoid any tree removal. As such, adverse impacts on native vegetation communities or associated fauna habitats will be avoided. 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 directly or indirectly affect any area of land mapped within the BVM as defined in the NSW *Biodiversity Conservation Regulation 2017* (BC Reg), as shown in **Figure 16** and **Figure 17** which identifies the works adjacent to areas mapped as having high biodiversity significance. Whilst the electrical trench from the 'Catshed' at Middle Slopes appears to affect mapped vegetation, the trench will be located in a highly disturbed area and not require the clearing of any native vegetation. Similarly, the trenching to the manual hydrants at Middle Slopes will not require the removal of native vegetation.
- 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*.



Figure 16 | Biodiversity Values Map illustrating the Friday Flat site works location in relation to the area containing high biodiversity value (Source: Applicant's documentation)



Figure 17 | Biodiversity Values Map illustrating the Middle Slope site works location in relation to the area containing high biodiversity value (Source: Applicant's documentation)

The NPWS raised no concerns in relation to either the F&FA Report or the location of proposed works, although the preparation of a Rehabilitation Management Plan will be required that outlines the implementation, maintenance, monitoring and reporting of the rehabilitation areas.

The Department considers the location of the subject snowmaking infrastructure within the Friday Flat and Middle Slope areas is appropriate as proposed where it will not require the removal of, or damage to, areas of native vegetation or areas with high biodiversity value. 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)*”. Appointment of an Environmental Officer, engaged by the Applicant, will be required to review the works prior and during construction to ensure that the proposal meets the identified outcomes.

Construction access

Proposals within the Alpine resorts are required to consider the impact of construction activities upon the environment. In this regard, the Applicant advises that access to the sites will be achieved from the existing Mountain Summer Access Road as well as the subordinate track network and ski runs.

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 will be minimised where possible (ensuring consistency with conditions) and have regard to legislative requirements for undertaking works within the Thredbo Alpine Resort.

Proximity to riparian land

The installation of snowmaking infrastructure at Friday Flat site includes works within forty (40) metres of both Merritts Creek and an unnamed tributary to Merritts Creek to the south-east of Friday Flat – **Figure 15**. It is noted that the unnamed tributary is not mapped on the *Water Management (General) Regulation 2018* hydroline spatial data 1.0 map (NSW Government) – **Figure 18**. However, the feature is identified in the *State Environmental Planning Policy (Kosciuszko National park – Alpine Resort) 2007* (Alpine SEPP) Thredbo Alpine Resort map – **Figure 19**. In accordance with section 4.7 and Schedule 11 (2)(1)(a) of the *Precincts – Regional SEPP*, the Maps referred to in clause 8 of the former Alpine SEPP (repealed 28 February 2022) have been carried forward and continue to be adopted by the Minister of Planning under the *Precincts – Regional SEPP*. NRAR have also confirmed that the subject unnamed waterway is a watercourse under the *Water Management Act 2000*.

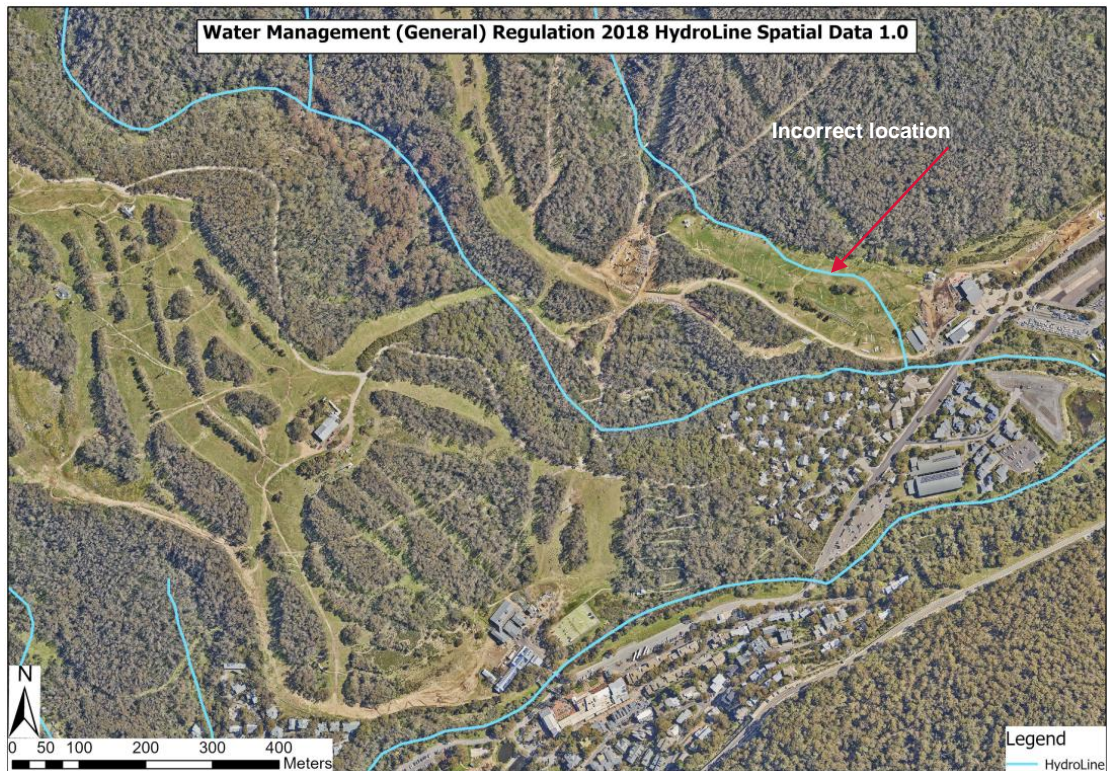


Figure 18| Water Management (General) Regulation 2018 hydroline spatial data 1.0 map - Thredbo, incorrect location of watercourse within Friday Flat identified (Source: Applicant’s documentation)

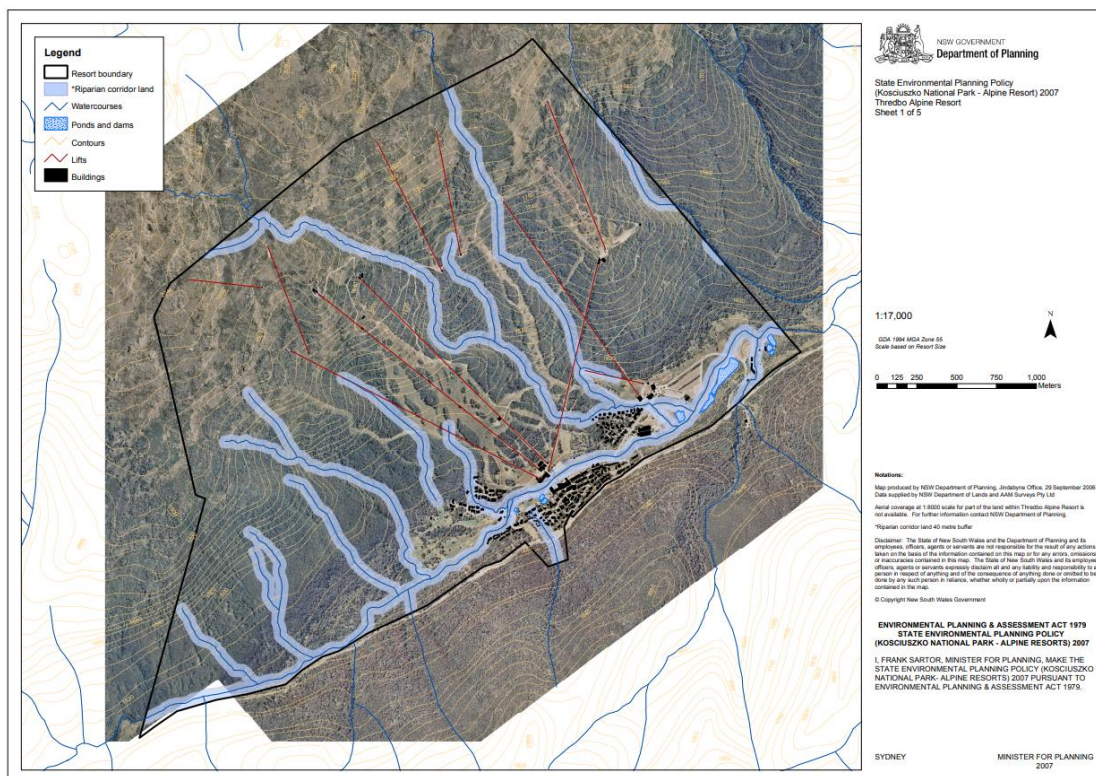


Figure 19 | Thredbo Alpine Resort location of riparian corridor land and watercourses (Source: Departmental documentation)

Pursuant to clause 4.12(1)(m) of the Precincts - Regional 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, and
- (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 no impacts to Merritts Creek or the unnamed tributary or the respective riparian corridors are anticipated from the works given the following:

Within the Merritts Creek riparian corridor –

- *this area has been significantly disturbed for the existing ski slope and the Mountain summer access road*
- *the grassed area and mountain summer access road acts as a buffer between the disturbance area and Merritts Creek*
- *the mountain summer access road contains several drainage berms which divert up-slope run-off in a non-erosive manner and acts as a buffer between the riparian vegetation and the site*
- *the trench excavation at this location is no greater than 100 m in length with a maximum depth of 0.6-0.8 m and 0.6 m in width*
- *the excavation for the retractable pit is 3.0 x 3.0 x 1.6 m*
- *appropriate mitigation measures will be implemented during construction in accordance with the SEMP and ESCP, and*
- *the disturbed areas will be rehabilitated following completion of the works*

Within the riparian corridor of the unnamed watercourse –

- *the site has been previously disturbed due to the existing ski slope and associated snowmaking infrastructure at this location*
- *a grassed section and existing vegetation act as a buffer between the disturbance area and the watercourse*
- *the works at this location will be undertaken in approximately seven (7) days*
- *the trench excavation at this location is no greater than 160 m in length with a maximum depth of 0.6-0.8 m and 0.6 m in width*
- *excavations for the two (2) concrete pits at this location are 3.0 x 3.0 x 1.6 m*
- *the Mountain summer access road is located between the lower segment of the trench (below Gun 4) and contains several drainage berms which divert up-slope run-off in a nonerosive manner and acts as a buffer between the riparian vegetation and the site*

- *appropriate mitigation measures will be implemented during construction in accordance with the SEMP and ESCP*
- *the disturbed areas will be rehabilitated following completion of the works*

The Department's assessment has considered the works within the riparian corridor and the works required to provide the snowmaking infrastructure at Friday Flat. While the Applicant indicates that the respective riparian corridors are already disturbed from snowmaking and road construction location, the Department seeks to prevent any further disturbance and degradation of the areas and for effective management and enhancement of riparian corridors.

With the addition of effective erosion and sediment control measures, ensuring the SEMP includes all works (including any MTB diversion works) and the appropriate rehabilitation of impacts areas, environmental impacts can be minimised and will be acceptable to help achieve the long-term management goals for riparian land.

The Department is therefore satisfied that the measures proposed by the Applicant together with the conditions that will be imposed on any forthcoming consent are adequate to ensure appropriate mitigation and management measures are in place to ensure biodiversity values within the alpine resort will not be diminished by the development.

6.2 Other issues

The Department's consideration of other issues is provided at **Table 3**.

Table 3 | Summary of other issues

Issue	Assessment	Department Consideration and Recommendations
Mountain bike trail closure and reinstatement	<ul style="list-style-type: none"> • Part of the proposed works traverse the existing Friday Flat Loop Mountain Bike (MTB) Trail and the lower part of the Cannonball MTB Trail (at Middle Slope) • The Applicant proposes to reconstruct the trail within the approved trail corridor following the completion of the snowmaking works. • NPWS require appropriate rehabilitation of all disturbed areas in accordance with a rehabilitation management plan. 	<ul style="list-style-type: none"> • The Department's assessment does not raise concerns with closure of the impacted sections of trail while construction is occurring. • Reinstatement of the trail should occur in the same position, where possible. • Conditions addressing the requirements of the NPWS will be applied.

Retention of existing snowmaking mains

- The Applicant proposes to retain the existing lance gun pits within the Friday Flat ski slope area to limit impacts on the environment.
 - The Department supports the retention of the pits, rather than removing (creating greater excavation works).
-

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 improves 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 watercourses,
- the recommended conditions require construction impacts to be minimised having regard to the protection of existing adjoining native vegetation and the rehabilitation of disturbed areas following construction, with 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 22/458, subject to the recommended conditions
- **signs** the attached Development Consent (**Appendix C**).

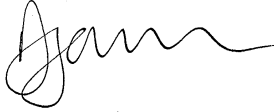
Recommended by:

A handwritten signature in black ink, appearing to read 'Sandra Butler', is displayed on a light blue rectangular background.

Sandra Butler
Planning Officer
Alpine Resorts Team

9 Determination

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

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Daniel James

Team Leader

Alpine Resorts Team

as delegate of the Minister for Planning

31 March 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 on 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 impacts upon native vegetation have been avoided with works proposed within previously disturbed areas. The requirement to adopt mitigation measures during construction and rehabilitation of impacted areas help 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 Appendix C).
(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 (Section 5), 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 (Section 5), which included notifying all lodges within Thredbo Village and displaying the application on the NSW Planning Portal, and the content of the submission was considered.

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.

On 1 March 2022, the *State Environmental Planning Policy (Kosciuszko National Park-Alpine Resorts) 2007* (the Alpine SEPP) was consolidated into the *State Environmental Planning Policy (Precincts - Regional) 2021* (the Precincts - Regional SEPP). Chapter 4 of the The Precincts – Regional SEPP is applicable to the development. Consideration of relevant matters is provided below:

CI 4.12 (1) - Matters to be considered by consent authority

(a) the aim and objectives of this policy, as set out in clause 4.1	The proposal is consistent with the aim and objectives of Chapter 4 of the Precincts - Regional SEPP in that it
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is consistent with the principles of ESD and supports the ongoing use of the ski resort.

(b) the conservation of the natural environment and any measures to mitigate environmental hazards (including geotechnical hazards, bush fires and flooding),	<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 relevant to the proposal.</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 supplementary 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. Improving snowmaking infrastructure and sustaining the viability of the ski runs through reliable snowmaking is consistent with the current and desired character of the Thredbo Alpine Resort.</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 a suitably qualified person.</p> <p>The Geotechnical Investigation provides commentary and recommendations for installation of the proposed snowmaking infrastructure, which will need to be implemented during construction.</p>
(g) any sedimentation and erosion control measures,	<p>Appropriate sedimentation and erosion control measures will be required to be established prior to earthworks commencing.</p>

Sedimentation and erosion control conditions are recommended, including the adoption of the Site 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.
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(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 and the proposed infrastructure will not be visually intrusive in the landscape.
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(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.
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(k) if the development involves the installation of ski lifting facilities,	The proposal does not involve the installation of any new ski lifting facilities.
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(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.
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(m) if the development is proposed to be carried out on land in a riparian corridor.	The proposal includes works within 40 metres of Merritts Creek and an unnamed tributary. Comments received from the NRAR are discussed in Section 4 and 5 .
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CI 17 – applications referred to the National Parks and Wildlife Service

The proposal was referred to the NPWS pursuant to clause 4.15 Precincts - Regional 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.
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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.

Appendix C – Recommended Instrument of Consent