



# Snowrunner, Operations Building and Associated Infrastructure, Friday Flat, Thredbo

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Development Application Assessment  
DA 22/9507

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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>DPE Water</b>	Department of Planning and Environment - Water
<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 2021</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>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 22/9507) seeking approval to install new infrastructure including a new covered snowrunner conveyor belt lift, operator huts and a snowsports operations building within the 'Thredboland' and 'Freeriders' Beginner Zone area at the Friday Flat Ski Area of Thredbo Alpine Resort, located in 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, administered by the Department of Planning and Environment (the Department). The proposal is permissible with consent under the provisions of *State Environmental Planning Policy (Precincts - Regional) 2021* (Precincts – Regional SEPP).

Consistent with the Department's Community Participation Plan, the application was exhibited between 3 August 2022 and 30 August 2022, during which time the Department made the application publicly available on the NSW Planning Portal website.

The Department also referred the application to DPE Water pursuant to section 4.46 of the EP&A Act (integrated development), and to the National Parks and Wildlife Service (NPWS) pursuant to section 4.15 of the Precincts - Regional SEPP.

The Department received comments from the DPE Water and from the NPWS. No public submissions were received during the exhibition period.

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 provision and operation of winter recreational activities within Thredbo Alpine Resort for the benefit of guests and visitors utilising the ski slopes,
- the works are located within disturbed areas requiring 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.

The Department's assessment concludes that supporting the application is in the public interest as the development enhances visitor experience within the Thredbo Alpine Resort while avoiding adverse impacts on the environment. The works will deliver infrastructure to augment beginner snow sport training facilities within the resort (predominantly for children), 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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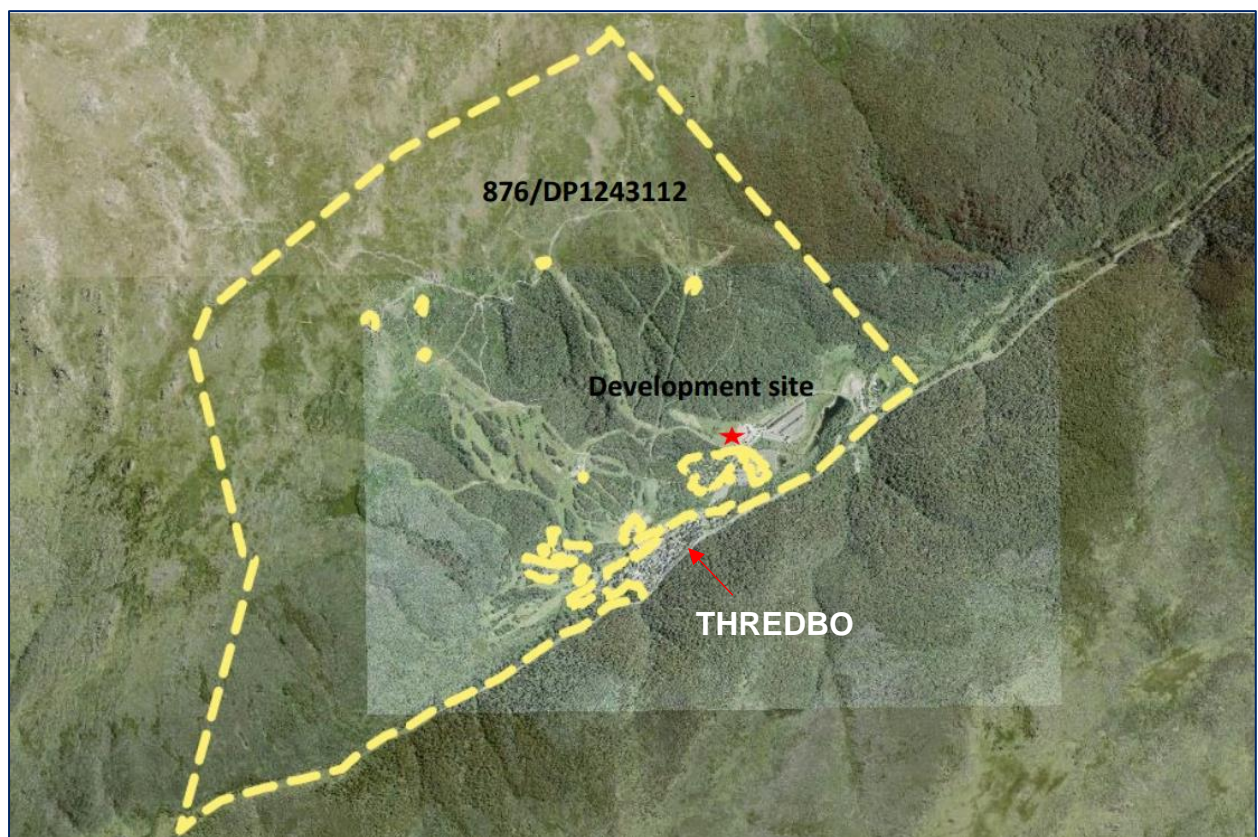


# 1 Introduction

## 1.1 The Department's Assessment

This report details the assessment of Development Application (DA 22/9507) seeking approval for the installation of infrastructure on the ski slopes of Thredbo Alpine Resort within KNP, located approximately thirty (30) kilometres south-west of the township of Jindabyne.

Kosciuszko Thredbo Pty Ltd (the Applicant) requests development consent to install a snowrunner conveyor, operator huts, a snowsports operations building and facilitating infrastructure near a dedicated teaching terrain in the Thredboland and Freeriders Beginner Zone of the Friday Flat Ski Area within the southern area of Lot 876 Deposited Plan 1243112 – **Figure 1**.



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

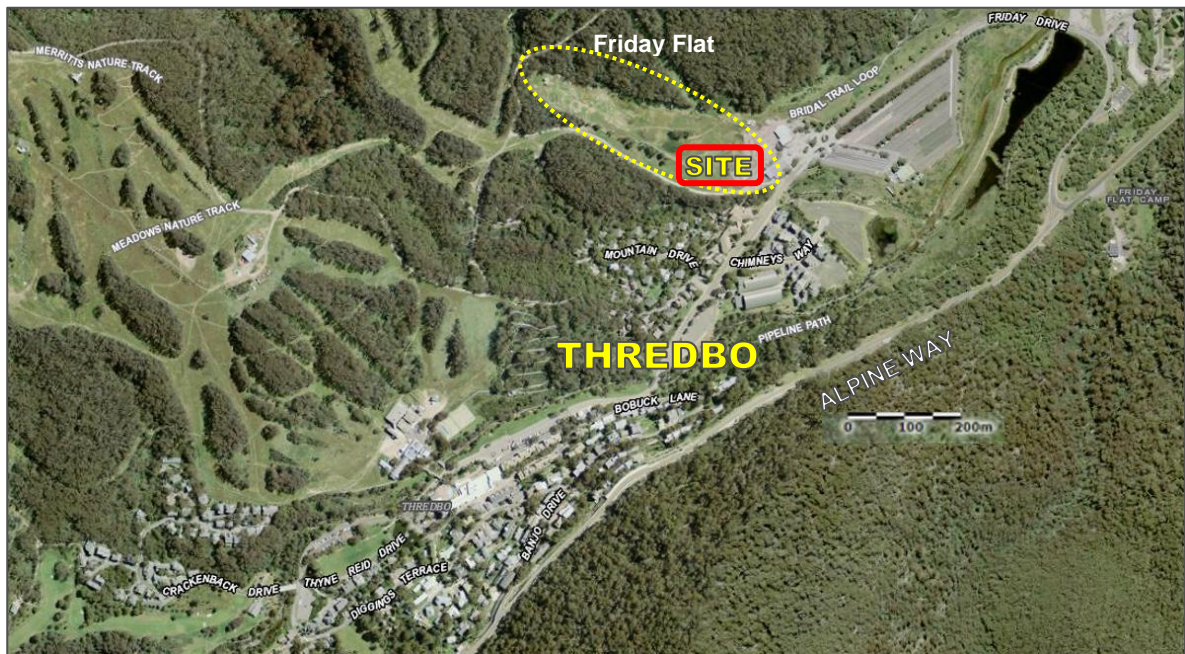
The Department's assessment has considered all documentation submitted by the Applicant, including the Statement of Environmental Effects (SEE) and accompanying information, and submissions from Government authorities. The Department's assessment also considers the legislation and planning instruments relevant to the site and the development, including broader planning principles relating to ecologically sustainable development.

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



## 1.2 Site Location and Context

The development site is located within the Thredbo Alpine Resort, in the southern part of KNP. Thredbo is a year-round tourist destination resort catering for both winter and summer activities. The Friday Flat ski area is located to the north of Thredbo Village, within which the development site is located in the southern part of Friday Flat (**Figure 2**) adjacent to the Gunbarrel Bottom Station chairlift (**Figure 3**).



**Figure 2 |** Friday Flat and work site (Source: SIX Maps 2022 with annotations)



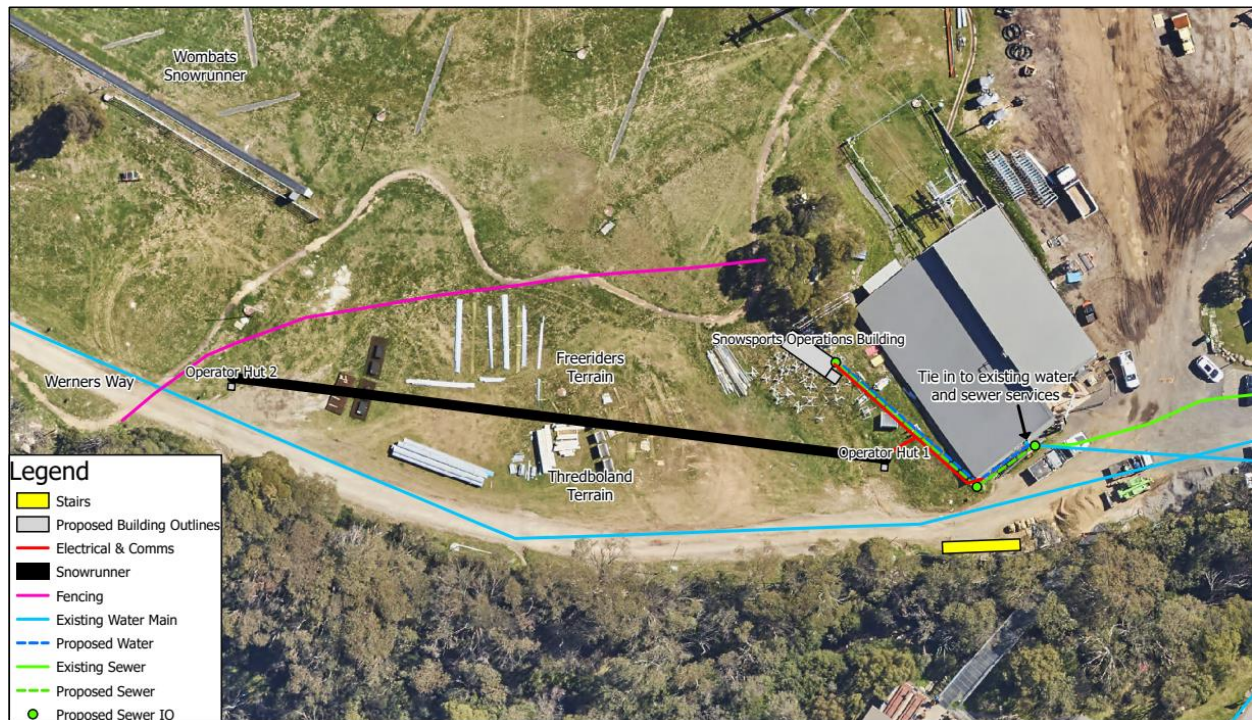
**Figure 3 |** Development site and existing site facilities identified (Source: Applicant's documentation)



## 2 Project

### 2.1 Snow activity infrastructure

The application seeks approval for the installation of snow-activity related recreational ski infrastructure for the benefit of Thredbo winter visitors. The proposed location of the new infrastructure is illustrated in **Figure 4**, comprising the installation of a snowrunner and snowrunner operator huts, construction of a snowsports operations building, trenching for cables and pipes, stairs and fencing.



**Figure 4 | Plan with the location of the works identified (Source: Applicant's documentation)**

The proposed works are described below:

- Installation of a snowrunner to convey skiers and boarders to the top of the Thredbo Terrain teaching slope. The snowrunner belt (98.25 metres in length and 0.6 metre wide with an average grade of 14 percent) will be covered by a curved gallery roof (2.0 to 2.5 metre wide and approximately 2.5 metre high) running the full length of the conveyor comprising a transparent polycarbonate arch over aluminium support structures, including emergency stop corridors every eighteen (18) metres with rollup PVC tarpaulins – **Figure 5**.





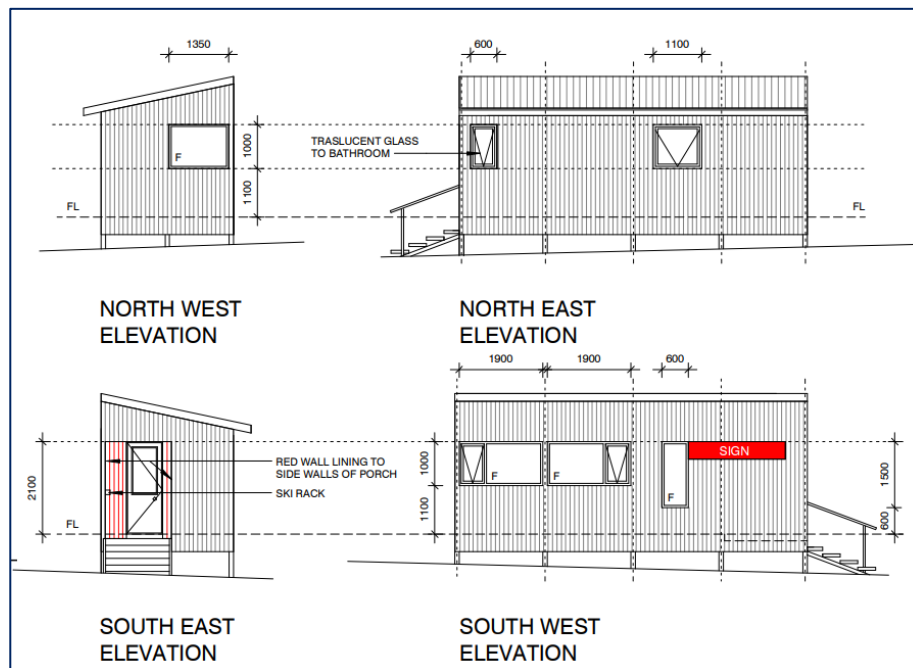
**Figure 5 |** Example of covered snowrunner conveyor infrastructure (Source: Applicant's documentation)

- Construction of two (2) operator huts (dimensions 1100 mm by 1100 mm by 2850 mm high) on low pier footings. The walls and a sloping roof will be clad in custom orb corrugated steel in Colorbond colour 'Woodland Grey'. One hut is to be located at each end of the snowrunner conveyor – **Figure 6**.



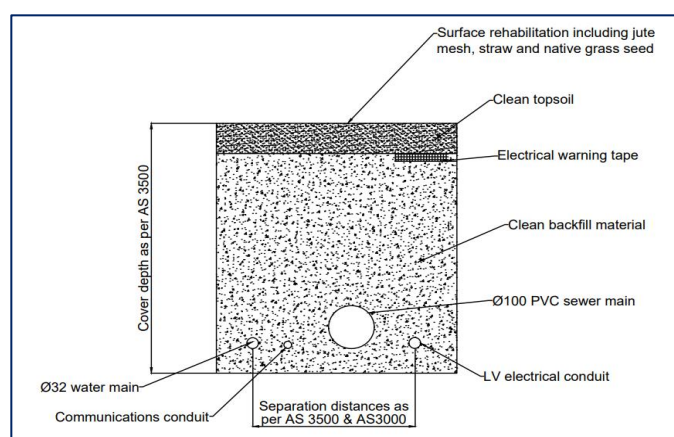
**Figure 6 |** Example of operator hut, top and bottom of the snowrunner (Source: Applicant's documentation)

- Construction of a Snowsports operations building (dimensions 8000 mm length x 3000 mm width x 3600 mm high) adjacent to the Gunbarrel Bottom Station which overlooks the teaching terrain. The building will be on low footings with steps to a partially enclosed porch on the south-eastern corner. The building interior will include a workstation, bench seat/rest area for children during lessons, shelving and a bathroom. External materials (walls and sloping roof) will comprise custom orb corrugated steel in the Colorbond colour 'Basalt', and the side walls of the entry porch area on the south-east elevation are proposed to be Colorbond 'Manor Red' - **Figure 7**.



**Figure 7 |** Snowsports operations building elevations (Source: Applicant's documentation)

- Trenching (40 metres long x 0.6 metres wide x 0.60-0.80 metres deep) is proposed to service the Snowsports operations building and the snowrunner. The trench to provide water, sewer, electrical and communications and will extend from the existing services from the south-eastern side of the Gunbarrel Bottom Station to the southern corner of the building and then north-west to the proposed Snowsports operations building. A short trench for an electrical and communications line will run from the main trench to Operator Hut 1 at the bottom of the snowrunner – **Figure 8**.



**Figure 8 |** Trench Cross Section (Source: Applicant's documentation)



- Construction of a set of low angled stairs (approximately 16 metres long and 1.8 metres wide) on the southern side of the Mountain Access Road. The stairway will comprise timber sleepers and gravel to blend in with the landscape. The low rock line in this location (described as an existing gabion wall) will be extended as a rock retaining wall - **Figure 9**.



**Figure 9 | Location of Proposed Stairs and Extended Rock Retaining Wall** (Source: Applicant's documentation)

- Fencing will be placed across the northern (top) side of the beginners area (as indicated in **Figure 4**) comprising safety net or snow fencing to separate Snowsports guests from the public as they come along adjoining High Noon spillway to effectively manage traffic and site access during operation. The safety net fencing will be erected each morning and removed at night to allow snow groomers within the site. Safety nets will also be placed along the south-western end of the Gunbarrel bottom station to guide Snowsports guests to the check-in location and exclude kids from running into the bottom station. Chicane fencing or similar will be installed across the High Noon spillway to slow down skiers/snowboarders heading towards Friday Flat base area Gunbarrel Chairlift line and provide a path with rest spots for instructors and Freeriders that are traversing the spillway to access the nearby Wombats Snowrunner.

The proposal has an estimated cost of works of approximately \$866,912.

### Excavation works

The construction works to install the proposed infrastructure is anticipated to cause an excavation disturbance footprint of 320 square metres (combined disturbance area). The snowrunner will be secured on both sides of the runner at regular intervals with deep anchor screws (550 mm to 1000mm in depth depending on soil conditions) and does not require permanent footings. The footings for the Snowsports operations building and the two operators huts and stairs require minimal ground disturbance. Areas where



trenching has occurred and all disturbed areas will be rehabilitated following construction completion. No tree or native shrub clearing is required for the Development. Minor grass clearing is required, where the predominant species within the site is Chewings Fescue (exotic species).

## 2.2 Stockpile Site

The main stockpile location is located near the carpark adjacent to the Thredbo Waste Transfer Station - **Figure 10**. 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. Any waste that cannot be re-used within the resort will be transported off-site by a licence contractor and disposed of at the Jindabyne Landfill.

Temporary stockpiles will be located directly adjacent to the works within disturbed areas, avoiding adjacent native vegetation. 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 10** | Main stockpile location at Thredbo Waste Transfer Station (Source: Applicant's Documentation)

## 2.3 Access and machinery

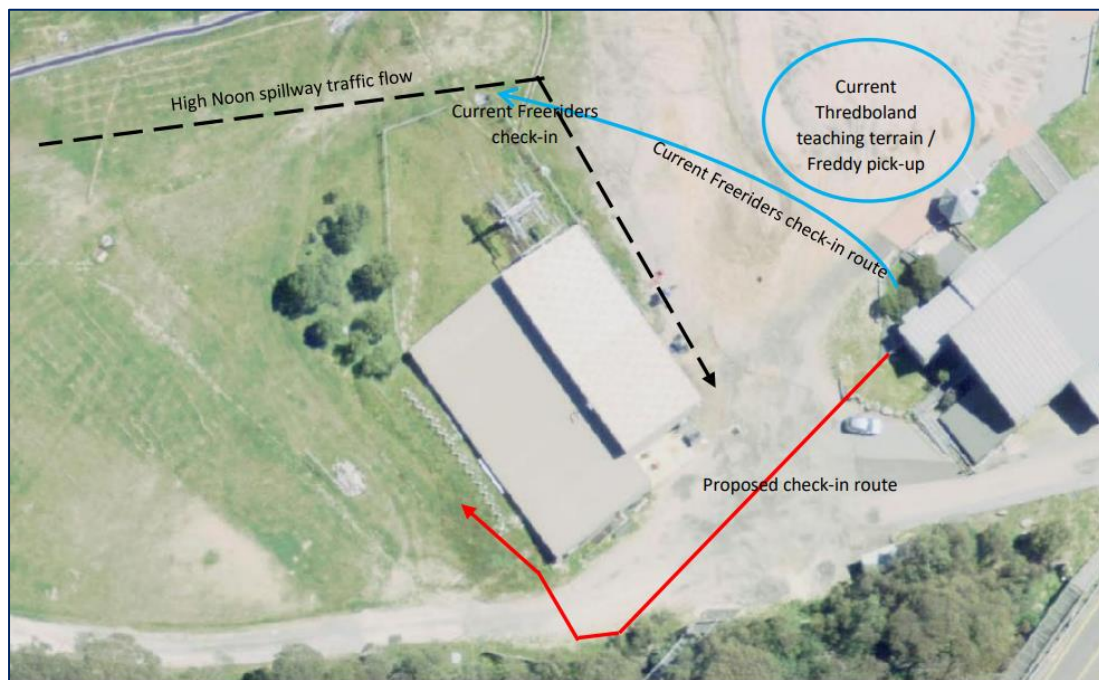
Access to the site is achieved via Friday Drive and then the Mountain Summer Access Road located adjacent to the southern edge of the development site. Machinery to be used includes 4WD vehicles and utilities, an excavator, telehandler and delivery trucks.

## 2.4 Justification for the proposal

The Applicant advises that the purpose of the development is to provide a safer experience for children by creating a dedicated snowrunner and teaching terrain close to Thredboland that can be utilised by Snowsports for children's lessons and programs such as the Thredboland and Freeriders ski and snowboard programs. The development will also provide lift access to Wombats snowrunner instead of utilising the existing 'Freddy' transportation (snowmobile with trailer).

The Applicant also advises that the development will reduce congestion and safety hazards associated with the current Freerider check-in location, and anticipates that the new check-in location and teaching terrain will increase the safety of both the public and Snowsports guests as follows:

- reducing congestion around the High Noon spillway and egress to the Gunbarrel lift line,
- removing the need for children (and their guardians) to navigate across snow from Thredboland through the main Gunbarrel lift line/ High Noon spillway to the current Freeriders check-in, and
- removing the risks associated with the current Freeriders check-in location directly under the Gunbarrel chair lift, and
- reducing the requirement for Freddy (snowmobile) to transport children to teaching terrain such as the Wombats snowrunner – refer to **Figure 11**.



**Figure 11** | Existing versus proposed check-in route (Source: Applicant's Documentation)

### 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 three main documents that support the strategic context of the alpine resorts are the *South East and Tableland Regional Plan 2036*, the Snowy Mountains Special Activation Precinct Master Plan 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 providing new infrastructure and improving patron experience, 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.

#### **Snowy Mountains Special Activation Precinct Master Plan**

The Snowy Mountains Special Activation Precinct Master Plan outlines the 40-year vision for the Snowy Mountains as a year-round tourist destination with new business opportunities, services and community infrastructure for the people that live, work and visit the region. Section 9.1.1 of the Master Plan relates to Thredbo.

The Department considers the proposal to be consistent with the Master Plan as it relates to providing supporting infrastructure to attract tourism to the ski resorts whilst improving visitor amenity and safety and maintaining the environmental, cultural and landscape attributes of the Thredbo Alpine Resort.

#### **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 section 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 KNP.



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. The development will improve the provision of beginners skiing and snowboarding infrastructure, which is particularly aimed at providing improved facilities for children. The development will be undertaken 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 section 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 section 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 fifteen (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 skiing infrastructure and ancillary works, consistent with the definition of 'lifting facilities', 'ski slope hut' and associated works as defined in Chapter 4 of the Precincts - Regional SEPP. Pursuant to section 4.9 of the Precincts - Regional SEPP, the proposed infrastructure is permissible with consent within the Thredbo Alpine Resort.

### 4.3 Other approvals

#### Environment Protection and Biodiversity Conservation Act 1999

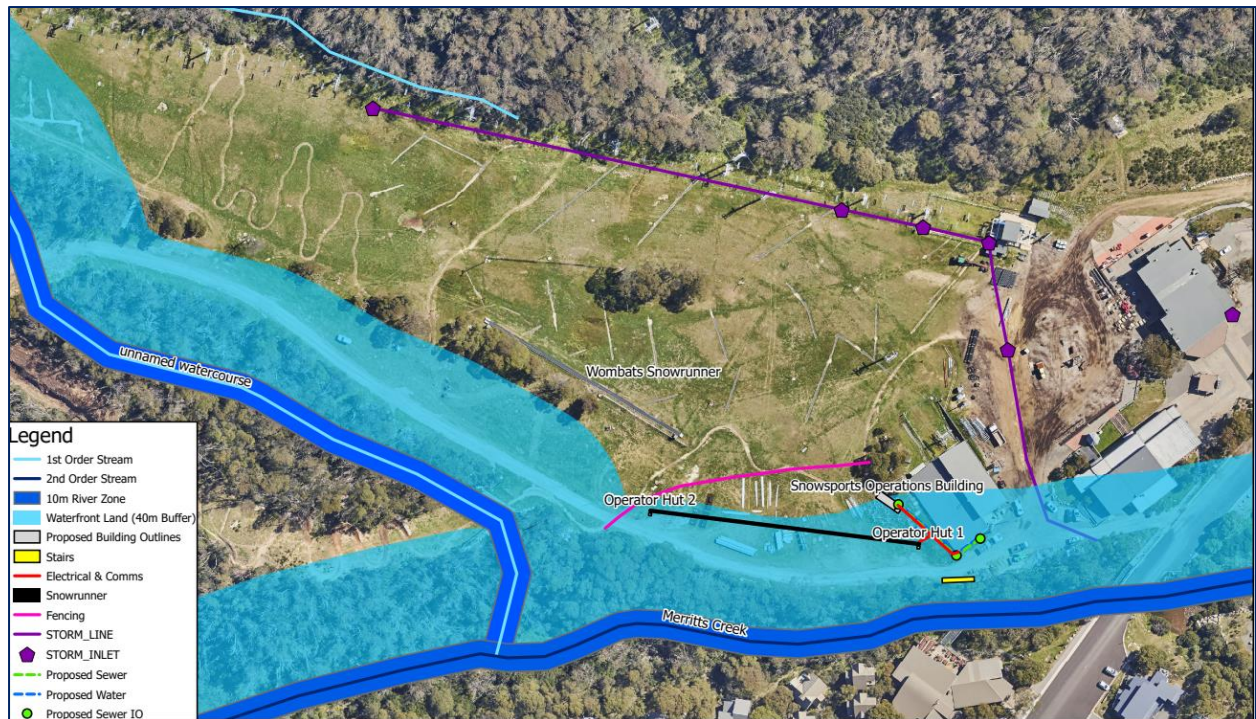
Under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), the Commonwealth Government is required to assess and approve a development if it is likely to impact on a matter of national environmental significance.

The proposed works are within an area of existing disturbed ski slope operations and the clearing of native vegetation or removal of habitat is not proposed as part of the development. The development is not expected to 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 works 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 12**. Approval under the *Water Management Act 2000* is required.



**Figure 12 |** Proposed location of works in proximity to an unnamed watercourse and Merritts Creek (Source: Applicant's documentation)

The application was referred to DPE Water, who have issued General Terms of Approval for the development. Prior to the commencement of work, the Applicant will need to obtain a Controlled Activity Approval (CAA) under the *Water Management Act 2000*.

#### 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 ski resort recreational infrastructure is provided that helps support and improve resort operations and access to ski slopes for beginners during the ski season,
- 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 adversely 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 on the NSW Planning Portal website and notifying all lodges within Thredbo Village.



## 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 development site is not within an area mapped on the BVM, and the proposal does not propose the removal of any native vegetation. The Applicant concludes that the proposal would not have a significant effect on threatened species, populations, ecological communities, or their habitats.

Comments received from the NPWS during the assessment of the application raise no concern in relation to the biodiversity loss associated with the development, and they concur that the proposal is not likely to affect threatened species and does not trigger the BOS. The works are not considered likely to impact on the natural systems or diminish the biodiversity values of the locality. Accordingly, the proposal is unlikely to have an adverse effect on threatened species or ecological communities, or their habitats.

There is currently no declared area of outstanding biodiversity value within KNP.

## Considerations under section 4.15 of the EP&A Act

In determining a development application under section 4.15 of the EP&A Act, 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 under section 4.15(1). **Table 1** below presents a summary of the matters for consideration outlined further in **Section 6** (Assessment) of this report and references other relevant appendices and sections outlined in this report.

**Table 1 | 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 principle EPI that applies to the site for this type of development. An assessment against the requirements of the SEPP is provided in <b>Appendix B</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)(iiia) 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, including the procedures relating to development applications Part 3 and Part 4) and fees (Part 13 and Schedule 4).</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 improving winter recreational facilities which will help support ongoing visitation of the Thredbo ski areas for the benefit of Thredbo Alpine Resort.

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(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 submissions received from the DPE Water and NPWS. Refer to **Section 5** and **Section 6** of this report.

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(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 winter snow resort infrastructure 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 approval of the proposal is considered to be consistent with 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 twenty-eight (28) days. The Department exhibited the application between 3 August 2022 and 30 August 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:

- DPE Water 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 forty metres of Merritts Creek and an unnamed tributary), and
- the NPWS pursuant to section 4.15 of the Precincts - Regional SEPP.

### 5.2 Summary of submissions

During the exhibition period, the Department received comments from DPE Water and the NPWS. No public submissions were received in relation to the proposal.

### 5.3 Key issues – Government Agency

DPE Water 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 comments provided included the following:

- NPWS concurs that there has been appropriate consideration of the BC Act in the DA and the development as proposed does not trigger the Biodiversity Offset Scheme under the BC Act.
- Environmental protection measures are recommended during construction relating to the management of erosion, waste, weeds, stockpile management, construction machinery protocols, and measures for the protection flora and fauna including fencing off sensitive 'no go' areas. Matters are also identified to be addressed in the SEMP in relation to rehabilitation of disturbed areas of the site.
- Plumbing and drainage conditions are requested by NPWS as the delegated plumbing regulator in KNP.

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**.

## 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 and the natural environment. This issue is discussed below.

### Impacts on Biodiversity and the Environment

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

In the SEE for the proposal, the information provided indicates the proposed works will be located on highly disturbed areas that are devoid of significant native vegetation. No tree or native vegetation removal is proposed. 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 are not expected to result in any adverse impacts on threatened species, populations or ecological communities.

Comments from the NPWS confirm they concur that there has been appropriate consideration of the BC Act and where the works cause site disturbance the development as proposed does not trigger the Biodiversity Offset Scheme under the BC. The NPWS raised no concerns in relation to the location of proposed works, although revision of the SEMP to include the implementation, maintenance, monitoring and reporting of the rehabilitation areas prescribed by NPWS will be required.

While some site disturbance is proposed, 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 prior to works commencing and continue during works, and that areas impacted by construction are rehabilitated at the completion of works in accordance with the NPWS requirements. The Department considers the location of the subject infrastructure within the Friday Flat area is appropriate and the minor impact of works are consistent with the public interest.

#### 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.

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, consistent with NPWS requirements, ensuring construction impacts will be minimised where possible.

### **Proximity to riparian land**

The installation of the proposed infrastructure includes works within forty (40) metres of both Merritts Creek and an unnamed tributary to Merritts Creek to the south-east of Friday Flat.

Pursuant to section 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 adverse impacts are anticipated to Merritts Creek, the unnamed tributary or the respective riparian corridors given appropriate mitigation measures will be implemented during construction in accordance with the SEMP and ESCP. Disturbed areas are also to be rehabilitated following completion of the works. While the Applicant indicates that the respective riparian corridors are already disturbed from activities such as snowmaking and road construction, the Department seeks to prevent any further disturbance and degradation of the areas and for effective management and enhancement of riparian corridors.

The Department's assessment has considered the works within the riparian corridor to provide the recreational infrastructure at Friday Flat. Conditions will be placed on the development to require environmental impacts be minimised, which will help achieve the long-term management goals for riparian land. DPE Water have also required the Applicant to obtain a Controlled Activity Approval for the works.

The Department is therefore satisfied that the measures proposed by the Applicant together with development conditions will be adequate to ensure appropriate mitigation and management measures are in place to ensure riparian land and values and water quality within the alpine resort will not be diminished by the development.



## 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 provision and operation of winter recreational activities within Thredbo Alpine Resort for the benefit of guests and visitors utilising the ski slopes,
- the works are located within disturbed areas requiring 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.

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 22/9507, subject to the recommended conditions
- **signs** the attached Development Consent (**Appendix C**).

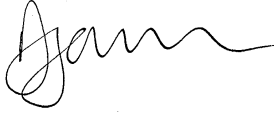
**Recommended by:**



**Sandria Butler**  
Planning Officer  
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 from the end.

**Daniel James**

Team Leader

Alpine Resorts Team

as delegate of the Minister for Planning

19 January 2023



# 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

[State DA | Planning Portal - Department of Planning and Environment \(nsw.gov.au\)](https://www.nsw.gov.au/planning/da/planning-portal)

## 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 providing additional infrastructure for snow field patrons.</p> <p>Construction and operational impacts on the environment are minimised due to the location of the works on existing disturbed areas, and environmental management and protection measures will be in place for the development.</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 location of infrastructure has avoided sensitive areas, and impacts upon native vegetation have been avoided with works proposed within previously disturbed areas. The NPWS requirements to adopt mitigation measures during construction and require rehabilitation of impacted areas is supported to help ensure the intended delivery of ecologically sustainable development.</p>
(c) to promote the orderly and economic use and development of land,	<p>The development seeks approval for recreational facility enhancements. The works are clustered with other similar infrastructure, located between the existing 'Wombats' snowrunner and Gunbarrel Bottom Station lift infrastructure. The works support the ongoing utilisation of Thredbo Alpine Resort during winter by improving the beginners ski runs areas. Visitor safety and amenity will improve, which is aligned with the orderly and economic development of the land for the approved purpose.</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,	The impacts upon the environment have been limited where possible. The proposed works are not likely to adversely impact threatened species, their 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 <i>Commonwealth Environment Protection and Biodiversity Conservation Act 1999</i> .
(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.	Public exhibition of the proposal ( <b>Section 5</b> ) included notifying all lodges within Thredbo Village and displaying the application on the NSW Planning Portal.

## 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 (Precincts - Regional) 2021* (Precincts - Regional SEPP) is the principle EPI applicable to the development. Consideration of Chapter 4 of the Precincts – Regional SEPP is provided below:



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

(a) the aim and objectives of this policy, as set out in section 4.1	The proposal is consistent with the aim and objectives of Chapter 4 of the Precincts - Regional SEPP in that it 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.</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,	No adverse cumulative impacts are anticipated as the proposal relates to improvements that will not result in any changes to existing transport, effluent management systems, waste disposal facilities, transfer facilities or water supply.
(d) any statement of environmental effects,	The SEE and supplementary information supplied are considered adequate to enable a proper assessment of the works.
(e) the character of the alpine resort,	The proposal would not adversely alter the character of the resort. Improving winter recreational infrastructure and sustaining the viability of the ski runs through enhancing the beginner facilities is consistent with the current and desired character of the Thredbo Alpine Resort.
(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 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> <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.</p>
(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 and the proposed infrastructure will not be visually intrusive in 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 involves the installation of a new snowrunner, which is a ground-level conveyor that is a type of ski lift facility intended for ease of use for young ski and snowboard patrons within the Beginners Zone.
(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 Merritts Creek and an unnamed tributary. The construction activities associated with the development will be managed so as not to cause an adverse impact on land or runoff that will eventually cause diminish from the quality of a riparian corridor. Comments received from DPE Water are discussed in <b>Section 4</b> and <b>5</b> .

#### Section 4.15 – applications referred to the National Parks and Wildlife Service

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The proposal was referred to the NPWS pursuant to section 4.15 Precincts - Regional SEPP. Refer to comments received at **Section 5** a discussion of the proposal at **Section 6**.

#### Section 4.24 – 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 exercised 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