



Installation of Utility Services Diggings Terrace, Thredbo

Development Application Assessment
DA 22/5708

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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
DPE Water	Department of Planning and Environment - Water
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2021</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
Planning Secretary	Secretary of the Department of Planning and Environment
SEPP	State Environmental Planning Policy

Executive Summary

This report provides an assessment of Development Application (DA 22/5708) seeking approval to install new water, firefighting, gas and electricity service infrastructure within and adjoining the Diggings Terrace roadway located in Thredbo Alpine Resort within Kosciuszko National Park (KNP). The Applicant is Kosciuszko Thredbo Pty Ltd.

The Minister for Planning is the consent authority for development within a ski resort in KNP, 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).

The Department exhibited the application, being nominated integrated development, for 28 days between 11 May 2022 and 7 June 2022 in accordance with the Department's Community Participation Plan. The Department also made the application publicly available on the NSW Planning Portal website and notified all lodges within Thredbo Village of the works. No submissions from the public were received during the assessment of the application.

The Department referred the Application to the Department of Planning and Environment - Water (DPE Water) as in the order for the development to be carried out, approval under the *Water Management Act 2000* is required with works occurring within 40 metres of a tributary of the Thredbo River. The DPE Water has issued General Terms of Approval for the development.

The Department consulted and received comments from the National Parks and Wildlife Service (NPWS) pursuant to section 4.15 of Chapter 4 of the Precincts - Regional SEPP.

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 will improve potable water supply (volume and pressure) within the network, provide additional fire hydrants, install electrical conduit to enhance future street lighting and a gas main with provision for future connections, thereby providing infrastructure to improve service delivery to support the Thredbo Alpine Resort for the benefit of visitors,
- the works are predominantly located along previously disturbed carriageway 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 works and site rehabilitation undertaken during and after works to reduce 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 works deliver infrastructure within the Thredbo Alpine Resort while avoiding adverse impacts on the

environment. The works are to augment utility services that enhance visitor experience, capacity and safety, thereby supporting visitation and helping to sustain resort viability and emergency preparedness. The anticipated development outcomes are consistent with the objectives of the regional plan and master 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 22/5708) seeking approval to install infrastructure including a main water pipeline, roadside fire hydrants, gas main and conduit for low voltage street light cabling along Diggings Terrace (Lot 843 Deposited Plan 1119757), Thredbo Alpine Resort within KNP – **Figure 1**.

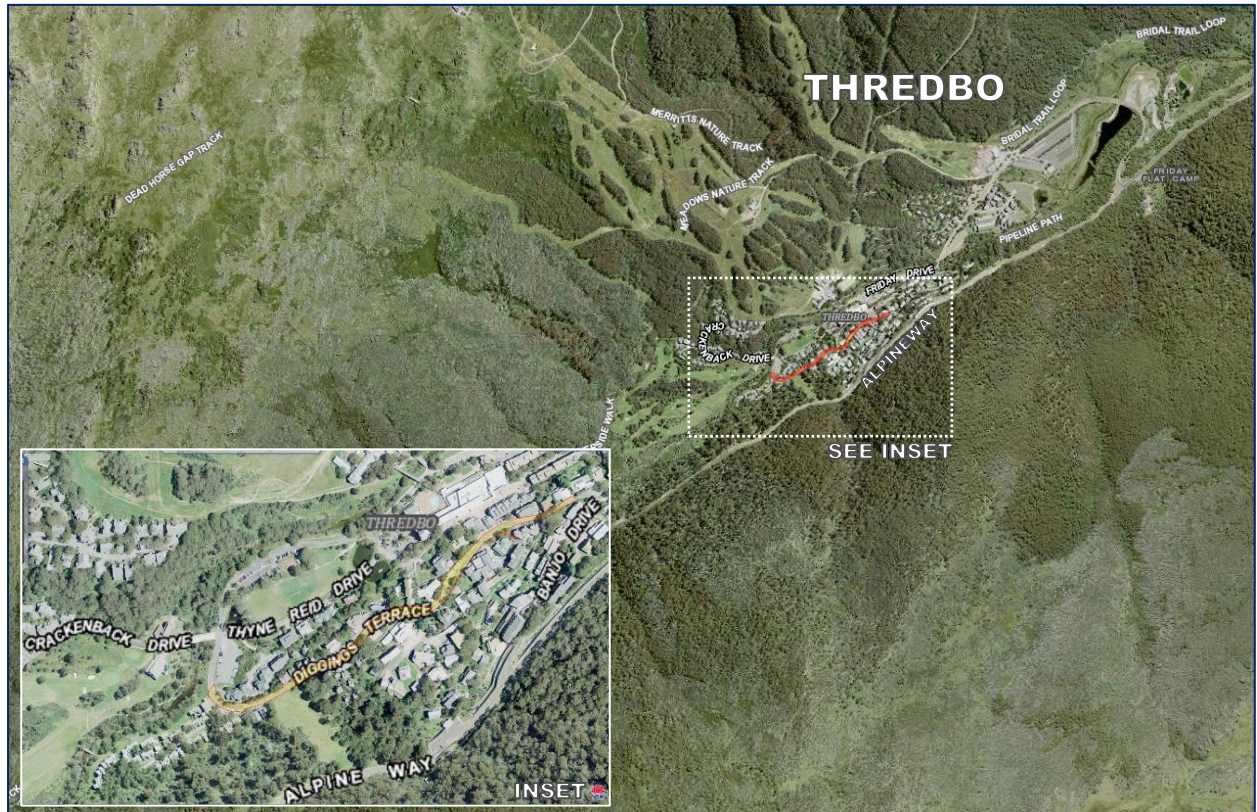


Figure 1 | Diggings Terrace in context of Thredbo Alpine Village (Source: Six Maps)

Kosciuszko Thredbo Pty Ltd (the Applicant) are seeking development consent to undertake works along Diggings Terrace from the existing 'Riverside Water and Gas Connection' pipeline located near the north-eastern boundary of 3C Diggings Terrace (Lot 769 Deposited Plan 1119757) to the 'Athol Lodge Water and Gas Connection' located within 11 Diggings Terrace (Lot 755 Deposited Plan 1119757) to the south-west (**Figure 2**).

The project will require excavation and trenching of a section of approximately 155 metres of Diggings Terrace along the southern side of the roadway to install the services trench, followed by backfilling and reinstatement of the asphalt or adjoining grassed area. The proposed water services infrastructure will tie into the existing village infrastructure and the Applicant advises this work will improve the existing water supply network. The new main is required to support existing users and the future development of Lot 768 (vacant parcel). An electrical conduit will also be installed in the services trench for the provision of a low voltage street light cable to service Diggings Terrace, and the installation of new fire hydrants and the gas line will also support current and future development in the locality.



Figure 2 | Proposed site works (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 matters raised in referral comments. The report evaluates the key issues associated with the development and concludes that the development is in the public interest and should be approved, subject to conditions.

1.2 Site context

The site is located within the Thredbo Alpine Resort in the southern part of KNP, located approximately thirty-five (35) kilometres south-west of Jindabyne when travelling by vehicle on the Alpine Way. Thredbo is a year-round tourist destination resort catering for both winter and summer activities.

The development project site is located predominantly within the western end of Diggings Terrace. A vacant land parcel (5 Diggings Terrace - Lot 768) is located on the southern side of the roadway at the western commencement of works, whereas the road is otherwise flanked on both sides by multi-storey tourist accommodation buildings.

Diggings Terrace crosses an unnamed minor watercourse near the eastern end of the project site (**Figure 2**). The watercourse runs below the roadway via two concrete lined culverts located from near the southern boundary of 9 Diggings Terrace (Lot 756) flowing to 8 Diggings Terrace (Lot 784).

Diggings Terrace is accessed via Friday Drive from the west and Banjo Drive from the east (**Figure 3**).

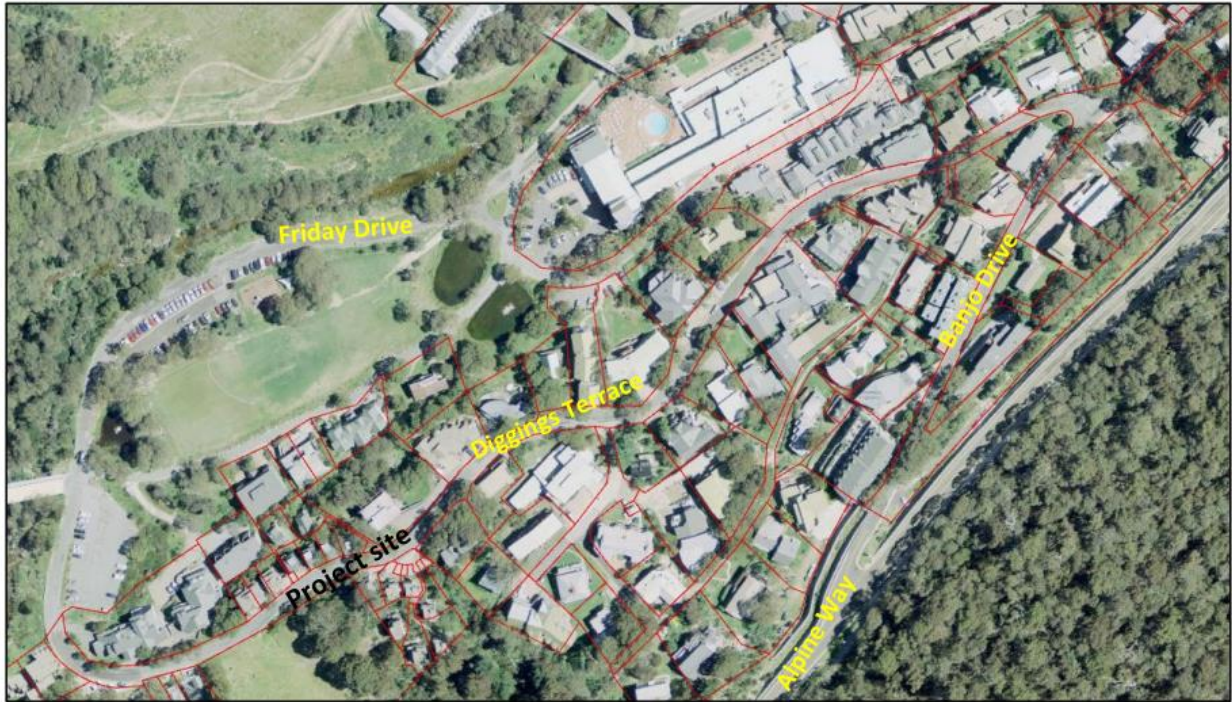


Figure 3 | Road network and site access (Source: Applicant's documentation).

While Alpine Way is a classified public road (Main Road 677) administered by NSW Transport (Roads and Maritime Services), the National Parks and Wildlife Service (NPWS) is responsible for other local tourist roads within the subject Visitor Services Zone of Thredbo. The public roads in the village are managed in accordance with the NPWS KNP Plan of Management and maintenance arrangements with the Head Lessee (Kosciuszko Thredbo Pty Ltd) and relevant utility providers.

2 Project

The application seeks approval for the installation of service infrastructure including extending the main pipe network for potable water reticulation, extending the gas pipeline, hydrant installation for additional fire-fighting capacity and electrical conduit for future street lighting.

The proposal has an estimated cost of works of approximately \$141, 871.

2.1 Excavation and installation of service infrastructure

The proposed works will comprise the following components:

- excavation/trenching for a services trench (approx. 0.8 metres wide x 0.8 metres deep),
- excavation/trenching for two (2) pipe laterals off main services alignment (approx. 0.8 metres wide x 0.8 metres deep),
- installation of water, electrical and gas piping in the services trench comprising PVC water main pipeline (150-millimetre diameter), empty HDPE electrical conduit (32-millimetre diameter) for future use, and a 100mm gas main line to connect the existing gas lines (**Figure 4**),
- installation of two (2) pipe laterals (100-millimetre diameter), including two (2) fire hydrants and end caps.

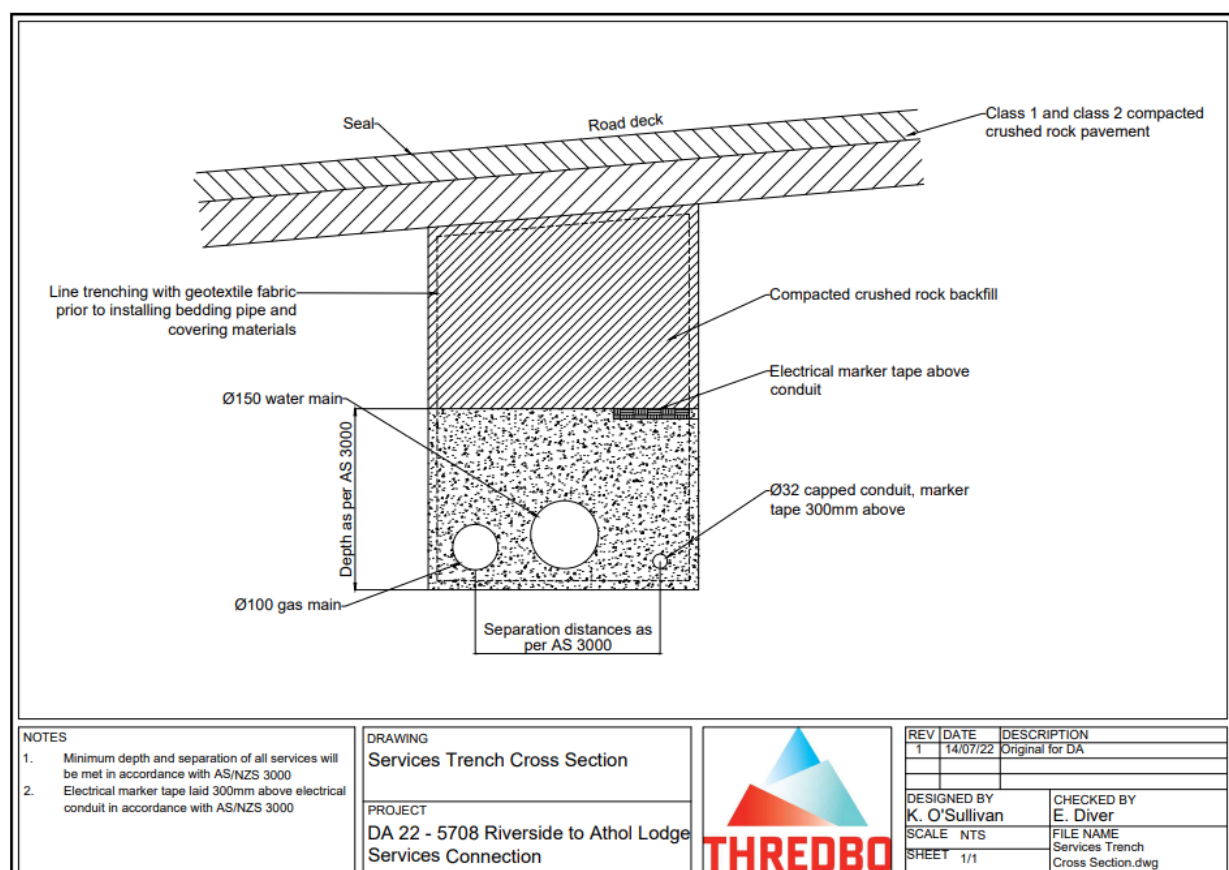


Figure 4 | Diggings Terrace Services Trench Cross Section Plan (Source: Applicant's documentation)

2.2 Management and rehabilitation of excavated areas

The installation of the infrastructure is anticipated to cause an excavation disturbance footprint of approximately 128 square metres. No temporary stockpiles of excavated material will be located in the construction corridor, instead being loaded directly onto a truck and transported to Thredbo's main stockpile location (**Figure 5**). Access to this location will be restricted to staff and contractors working for the Applicant.

Backfilling of the trenched areas will comprise sand and crushed gravel over the new pipeline prior to reinstating the asphalt pavement over the roadway. The excavated areas for the pipe laterals will be revegetated with the application of straw, grass seed and pinning of jute mesh. The Site Environmental Management Plan (SEMP) that accompanies the application outlines sedimentation and erosion control measures to be installed prior to the commencement of works, together with site stabilisation and progressive rehabilitation measures to be undertaken both during and at the completion of works.



Figure 5| Main stockpile location adjoining the carpark at Thredbo Waste Transfer Station (Source: Applicant's documentation)

2.3 Access and machinery

Access to the site for construction vehicles will be achieved from Friday Drive (western approach) and Banjo Drive (eastern approach) - **Figure 3**. Machinery to be used includes 4WD vehicles and utilities, a 20T excavator, tipper trucks and delivery trucks.

Access to Diggings Terrace will be maintained as a public thoroughfare during construction via the northern lane of the existing carriageway. Single lane road closure of the southern lane of Diggings Terrace will be required during works, with the anticipated timing for construction to commence in early October 2022 and be completed within a two (2) week period. Pre-construction activities will comprise establishment of site signage, traffic controls (for the single lane closure) and flagging/fencing of the construction corridor.

2.4 Justification for the proposal

The Applicant advises that the proposed infrastructure will connect the existing Village water supply to improve overall hydraulic operation of the existing water supply network. The two (2) additional fire hydrants proposed adjoining Lot 768 (vacant land at 5 Diggings Terrace) are necessary to ensure the water pressures, flows and spacing of hydrants is suitable to support future development of the land. The electrical conduit and gas main extension to be installed in the services trench will also provide for future service requirements of Diggings Terrace, improving amenity and safety of users in the area.

The works will improve the existing water supply network and support and enhance both current service and utility provision in the locality while facilitating future development in the resort.

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 to be consistent with the Regional Plan as it would improve resort operations through enabling infrastructure that supports the operation of Thredbo Alpine Resort and visitation to the NSW ski resorts. The proposal will have minimal environmental impact due to works being largely contained to the highly disturbed road corridor. Sedimentation and erosion controls and conditions of consent will ensure works will be carried out in a way that minimises any impacts on water quality or the intersecting watercourse.

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, including the strategic vision for Thredbo Village West.

The Department considers the proposal to be consistent with the Master Plan as it provides supporting infrastructure in an environmentally sensitive way to facilitate the provision of new tourist accommodation within Thredbo Village West, including on vacant Lot 768 (5 Diggings Terrace).

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 park.

The Department considers the proposal is consistent with the Precincts - Regional SEPP as the proposal comprises the provision of services and infrastructure in the Thredbo Alpine Resort. The works contribute to improving service provision which supports visitation within Thredbo and KNP. Controls imposed on the development will ensure the work will be carried out 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 to which the Precincts - Regional SEPP applies.

4.2 Permissibility

The proposal includes the installation of new infrastructure and ancillary works, consistent with the definition of 'infrastructure facilities' as defined in Chapter 4 of the Precincts - Regional SEPP. Pursuant to section 4.9 of the Precincts - Regional SEPP, the provision of infrastructure facilities such as utility undertakings for the purpose of providing water and electricity 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.

Comment is provided by the Applicant 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. Approval under the *Water Management Act 2000* is required in the order for the development to be carried out. The application was referred to DPE Water as works occur within forty (40) metres of an unnamed watercourse (**Figure 6**).

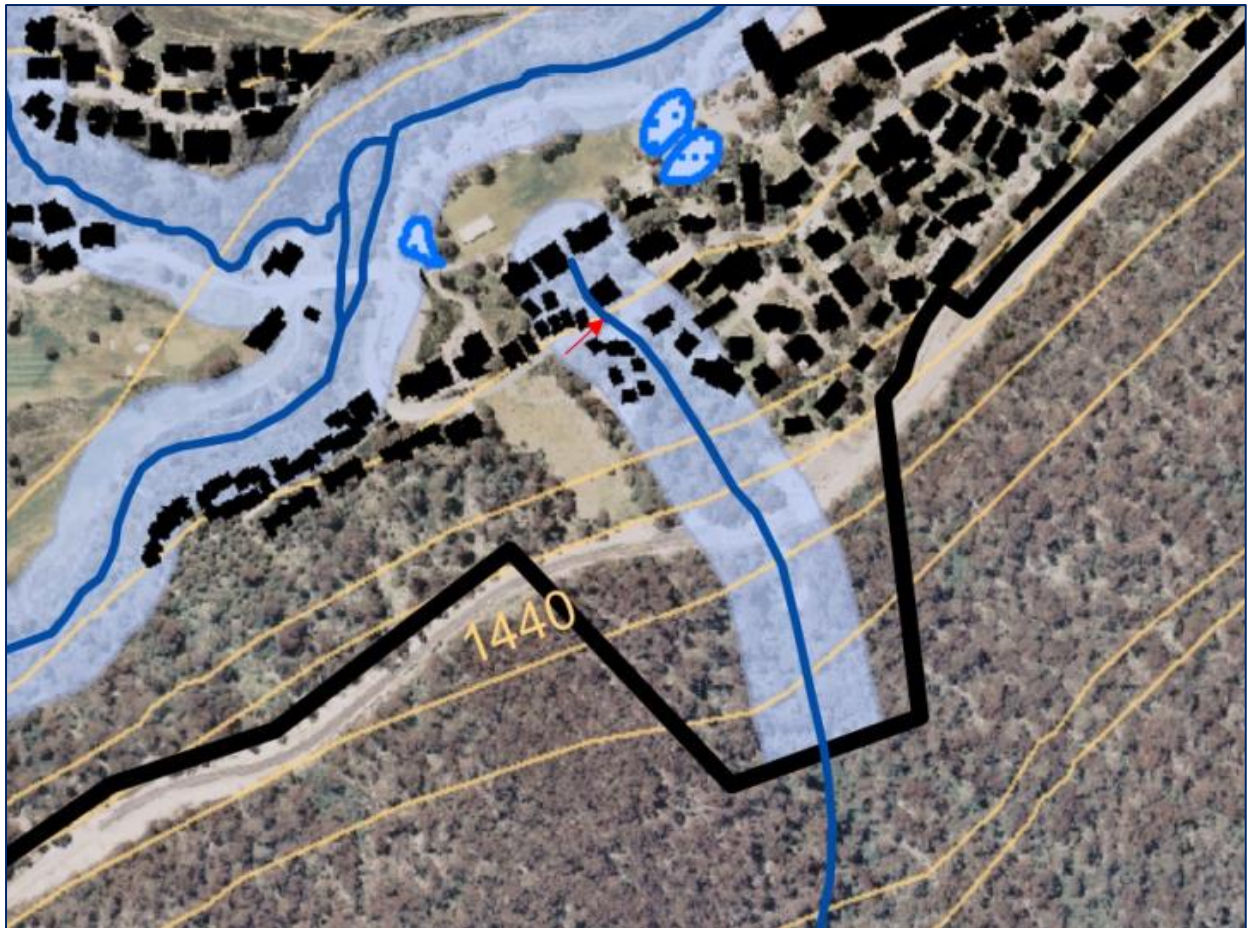


Figure 6 | Watercourse and waterfront land in proximity to work site (Source: Applicant's documentation)

It is noted that the watercourse is not mapped on the *Water Management (General) Regulation 2018* hydro-line spatial data map (NSW Government) in the correct location. However, the feature is identified in the *State Environmental Planning Policy (Kosciuszko National park – Alpine Resort) 2007* (Alpine SEPP) Thredbo Alpine Resort map more consistent with the on-ground location.

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. DPE Water has also confirmed that the subject water feature is a watercourse in accordance with the *Water Management Act 2000*. The General Terms of Approval issued by DPE Water require the Applicant to obtain a Controlled Activity Approval prior to the commencement of work.

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, as detailed further 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 enabling infrastructure to be provided that will improve resort operations,
- there would not be an unacceptable impact on the environment with proposed construction measures and conditions ensuring the works are carried out in an ecologically sustainable manner,
- 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 Thredbo Village of the proposal, and displaying the application on the Department's website during the exhibition period. The Department has considered the matters 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 footprint is largely within 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 there will only be minimal disturbance to the grassed road verge areas to facilitate the proposed works, and no additional native vegetation is required to be cleared. The site does not comprise land 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

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 by section 4.15.

Table 1 below presents a summary of the matters for which consideration is outlined further in **Section 6** (Assessment) and 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 principal EPI that 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)(iiia) 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 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	<p>The Department has considered the likely impacts of the development. All environmental impacts can be appropriately managed and mitigated through conditions of consent.</p> <p>The proposal is considered to have positive economic and social impacts by ensuring utilities are provided to support the ongoing visitation of the Thredbo Alpine Resort for the benefit of commercial operators and visitors.</p>
(c) the suitability of the site for the development,	The site is suitable for the development as discussed in Section 6 of this report.
(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 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.	<p>The works are consistent with the aim and objectives of Chapter 4 of the Precincts - Regional SEPP, and are compatible with the delivery of other utility service infrastructure works within Thredbo.</p> <p>Temporary impacts 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.</p> <p>The proposal is considered to be consistent with the public interest.</p>

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 11 May 2022 and 7 June 2022 on the NSW Planning Portal and notified Thredbo Village of the proposal.

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 a watercourse), and
- the NPWS pursuant to section 4.5 of the Precincts - Regional SEPP.

5.2 Summary of submissions

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

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 raised no concerns in relation to the proposal and provided comments on site management conditions to be placed on any approval.

The Department has considered the comments raised in the government agency 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 to ensure the temporary construction impacts of the development are managed to protect the environment and public amenity during works.

This issue is discussed below.

6.1 Temporary construction impacts

The Department has carefully considered the potential environmental impacts associated with the proposal given the location of the site in the Thredbo Alpine Village and within KNP. The Department's assessment of the potential environmental impacts of the proposal along with appropriate mitigation and management measures are considered below:

Environmental impacts

The works are within forty (40) metres of a watercourse (and also traverse the watercourse).

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 proposed excavation and trenching activities are predominantly located within highly disturbed areas where works will not interfere with native vegetation. Impacts on threatened flora or fauna habitats are not anticipated, and the proposed works are not likely to adversely affect habitat connectivity or any other biodiversity values of conservation significance.

The NPWS raised no concerns in relation to either the location of proposed works, or the measures outlined in the SEMP that outlines the rehabilitation of disturbed areas. A condition will also be applied to ensure areas impacted by construction are 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 to and during construction to ensure that the proposal meets the identified outcomes.

The application was referred to DPE Water as nominated integrated development. The general terms of approval issued by DPE Water require the consent holder to apply for, and be issued, a controlled activity

approval before the commencement of any work or activity within the subject waterfront land. As such, the construction works will be subject to further DPE Water review and approval to ensure adverse impacts on the waterfront land and watercourse will be avoided.

Public amenity

Noise will be generated during the construction phase of the project which may cause disturbance to Thredbo visitors in accommodation adjoining the works. The Department will require the implementation of construction hours to limit all work in connection with the proposal to being undertaken between 7.00am and 6.00pm on Monday to Friday inclusive, and 7:00am to 1.00pm on Saturdays, with no work allowed on Sunday or gazetted NSW public holidays.

Some disruption to road users is anticipated during construction with the reduction of Diggings Terrace to a single lane roadway for the duration of works. Pre-construction activities outlined in the SEMP includes establishment of site signage and traffic controls to manage the single lane closure, as well as development of a traffic management plan to reduce disruptions as much as practicable and ensure the safety of Park users during works.

Disruption to water services will also occur where the village water supply will need to be turned off to enable the connection of the main on each end of the works (the downstream Riverside end will be connected first, followed by the upstream Athol Lodge end). The Applicant will be requested to ensure Park users (businesses and visitors) are aware of the expected loss of water supply so as to plan around the disruption.

Appropriate management and mitigation measures will be implemented before, during and after construction in accordance with the SEMP and traffic management plan, and supported by conditions of consent that will be applied by the Department on any forthcoming development consent or controlled activity approval. The Department is therefore satisfied that the measures proposed are adequate to ensure appropriate mitigation and management measures are in place to ensure the alpine environment will not be significantly impacted or diminished by the development and works can be undertaken and managed to avoid significant loss of amenity to Park users.

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 will improve potable water supply (volume and pressure) within the network, provide additional fire hydrants and install conduit to enhance street lighting, thereby providing infrastructure to improve service delivery to support the Thredbo Alpine Resort for the benefit of visitors,
- the works are predominantly located along previously disturbed carriageway 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 works and site rehabilitation undertaken during and after works to reduce 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 carrying out the works is consistent with the Strategic and Master Plans for the locality, compliant with the relevant sections of the Precincts-Regional SEPP, and is thereby considered to be consistent with 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 22/5708, subject to the recommended conditions
- **signs** the attached Development Consent (**Appendix C**).

Recommended by:



Sandria Butler

Acting Senior Planner
Alpine Resorts Team

9 Determination

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

A handwritten signature in black ink that reads "Mark Brown." The signature is written in a cursive style with a horizontal line underneath the name.

Mark Brown

Acting Team Leader

Alpine Resorts Team

as delegate of the Minister for Planning

12 August 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/daexhibitions>

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 the provision of utility services.</p> <p>Conditions have been applied to the approval to ensure construction impacts on the environment and community will be minimised.</p>
(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,	<p>Works on waterfront land will be subject to further review and the issue of a controlled activity approval by DPE Water. The proposed alignment of works is within previously disturbed areas, and impacts upon native vegetation have been avoided. The requirement to adopt mitigation measures during construction and to rehabilitate disturbed areas will help deliver ecologically sustainable development.</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 and augmentation of services within the Thredbo Alpine Resort to improve visitor capacity, experience and 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>Adverse impacts on the environment have been limited where possible. The proposed works are not likely to result in any significant impact on threatened species, populations or ecological communities.</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 minimises impacts upon the existing natural environment. While some temporary loss of amenity may be experienced by Park users during the construction phase, this will be limited in extent and duration. The project enhances the amenity of the built environment in the long term.
(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 application on the Departmental website for 28 days and notified the proposal in accordance with the Community Participation Plan (Section 5).

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:

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
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is consistent with the principles of ESD and supports the ongoing use of the Thredbo Alpine Resort.

(b) the conservation of the natural environment and any measures to mitigate environmental hazards (including geotechnical hazards, bush fires and flooding),

Natural hazards have been considered in relation to the nature, extent and location of the proposed works. Geotechnical considerations have been adequately assessed by the Applicant. No other known environmental hazards are relevant to the proposal.

(c) the cumulative impacts of development on existing transport, effluent management systems, waste disposal facilities or transfer facilities, and existing water supply,

The proposal relates to improvements to an existing water supply system. It will not result in any changes to existing effluent management systems, waste disposal facilities or transfer facilities. Minor and temporary disruption to the transport network and water supply is expected, however this will not result in adverse cumulative impacts associated with the development.

(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 infrastructure and sustaining the viability of the resort through improving utility services is consistent with maintaining and sustaining the current and desired character of the Thredbo Alpine Resort.

(f) the Geotechnical Policy – Kosciuszko Alpine Resorts,

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. The Geotechnical Investigation provides commentary and recommendations for installation of the proposed infrastructure, which will need to be implemented during construction.

(g) any sedimentation and erosion control measures,

Appropriate sedimentation and erosion control measures will be required to be established prior to earthworks commencing. 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 stormwater drainage works are proposed.
(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 finished works will reinstate the existing road surface and grass vegetated areas of disturbance. The addition of the proposed fire hydrant services is not regarded to be unduly 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 does not involve the installation of new ski lifting facilities.
(l) if the development is proposed to be carried out in Perisher Range Alpine Resort: the document entitled Perisher Range Resorts Master Plan (PRRMP) and the document entitled Perisher Blue Ski Slope Master Plan,	Not applicable to proposal.
(m) if the development is proposed to be carried out on land in a riparian corridor.	The proposal includes works within 40 metres of a watercourse. Comments received from DPE Water are discussed in Section 4 and 5 .

Section 4.12(2) – Long term management goals for riparian land

(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,	The proposed works occur within and over a tributary of Thredbo River impacting on the riparian zone.
(b) to ensure that the integrity of areas of conservation value and terrestrial and aquatic habitats of native flora and native fauna is maintained,	The Applicant comments that the protection of terrestrial and aquatic habitats will be achieved by the location of the services within the road corridor, which diverts water from the watercourse, and implementing sediment and erosion controls as set out in the SEMP.
(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 DPE Water have reviewed the proposal and issued GTA for the works which will require a controlled activity approval under the WM Act. Based on a review of the application, the Department is satisfied that the works and measures proposed by the Applicant would not have direct impacts on the riparian land.

The conditions of consent ensure that the environmental impacts upon riparian land are minimised during construction and any impacts are appropriately rehabilitated.

The measures proposed by the Applicant, the GTAs, and the recommended conditions are considered adequate to ensure the long term management goals for riparian land are achieved.

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

The proposal was referred to the NPWS pursuant to section 4.15 of the Precincts – Regional SEPP. Refer to comments received at **Section 5**. The Department has recommended conditions to ensure matters of interest to the NPWS or for which they have carriage will be duly attended to in relation to the works, as outlined in **Section 6**.

Section 4.24 – Heritage conservation

European heritage

The proposal would not adversely impact on any European heritage items.

Aboriginal heritage

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.

Appendix C – Recommended Instrument of Consent