



# Lower All Mountain Bike Trail Diversion, Thredbo

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Development Application Assessment  
DA 22/9798

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

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# Glossary

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

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# 1 Introduction

The application seeks approval for the construction of a new intermediate trail section off the All-Mountain trail within the Cruiser ski area (**Figure 1**).

The development site occurs across a distance of 500 metres commencing from the existing access track and then initially traversing the 'Ballroom' ski run, before a long descent west across the open ski slopes and through two native vegetation tree islands. The trail then crosses 'Valley View' ski run, and enters the tree island for two berms, before re-joining the existing All Mountain trail approximately 150 metres below (in a direct line) its commencement.



**Figure 1** | Location of new trail (yellow alignment) in context of the existing All Mountain bike trail (red alignment) (Source: Applicant's documentation)

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 along the Alpine Way. Thredbo is a year-round tourist destination resort catering for both winter and summer activities, with mountain biking continuing to be one of the main attractions during the summer months.

The site comprises existing ski runs and associated infrastructure, undisturbed native vegetation islands and access tracks, and is accessible via the Gunbarrel and Cruiser Chairlifts during operation. The trail has an elevation change from 1760m to 1725m.

The proposed works include (as taken from the Applicant's SEE):

- Flagging of the final alignment within a 20-metre corridor to provide flexibility for the trail builders to avoid rocks, significant vegetation and Anemone Buttercup to be retained (consistent with other approved trails). The alignment of the trail has occurred as a result of consultant reviews and consultation with the National Parks and Wildlife Service (NPWS) and the Department.



- The construction of a 500-metre-long trail with a trail tread of 600mm, which is contained within the trail corridor width of between 2 metre and 3 metres wide, averaging 2.5 metres. This is based on the International Mountain Bicycling Association (IMBA) trail difficulty (intermediate) and width considerations while noting the intended riders' ability.
- The trail surface will be predominantly natural soil, with local crushed granodiorite used where required. The surface will comprise possible sections of rocky or loose tread.
- The construction of the trail involves a direct impact on flora and fauna within the defined construction corridor (an average width of 2.5 metres), predominantly the removal or further disturbance to approximately 1,250m<sup>2</sup> of native vegetation (including Alpine Snow Gums (**Figure 2**)) and areas of ski slope vegetation. Areas of the proposed trail are identified on the Biodiversity Values Map as being of high biodiversity. As a consequence, the Applicant has provided a BDAR to meet the requirements of the Biodiversity Assessment Method 2016.



**Figure 2 |** Example of vegetation along trail alignment (Source: Applicant's documentation)

- The Applicant intends to install trail signage at the commencement and along the trail alignment, comprising 'decision point signs' – being signs used at the start of each new trail which stating the name of the trail, the trail direction, difficulty, map and logo. The signs are proposed to be 400mm wide and 200mm high and attached to a 50mm round post which is 1800mm high. Two are proposed, with one to be located at the trail head and one at the junction with the All-Mountain trail.

The Applicant comments that the purpose of the proposal is to provide a new section for the All Mountain trail that will expand the Thredbo Mountain Bike Trail Network whilst minimising environmental impacts. The proposal will have positive impacts on the existing social and economic environment through the provision of a sustainable trail section which can be experienced by a range of mountain bikers of varying

ability. It is not anticipated the proposal will significantly increase the pressure on the existing social infrastructure, facilities and services within Thredbo.

The proposal has a cost of works of approximately \$31,300.

Supporting documents and supporting information to this assessment report can be found on the NSW Planning Portal website at:

<https://www.planningportal.nsw.gov.au/development-assessment/state-significant-applications/projects/state-development-applications>

## 2 Matters for Consideration

### 2.1 Strategic Context

#### South East and Tableland Regional Plan 2036

The proposal is consistent with the Regional Plan as it would provide an alternate alignment to the existing mountain bike trail to meet the demands of the growing mountain biking community and popularity of the sport within Thredbo Alpine Resort, which leads to additional visitation to the NSW ski resorts during the mountain bike season.

#### Snowy Mountains Special Activation Precinct Master Plan

The proposal is consistent with the Master Plan as the new diversion trail limits its impact upon the sensitive vegetation, and supports the increasing visitor base for mountain biking within Thredbo.

#### Precincts - Regional SEPP

The proposal is consistent with Chapter 4 of the Precincts - Regional SEPP as it minimises impacts to native vegetation while acknowledging and considering sensitive vegetation communities (the trail alignment was amended prior to lodgement following discussions between the Applicant, NPWS and the Department to reduce vegetation impacts). The Applicant proposes to use existing disturbed areas where possible, with disturbed areas to be rehabilitated after the completion of works.

### 2.2 Permissibility

The proposal includes the construction of a mountain bike trail consistent with the definition of 'recreation infrastructure' as defined in the Precincts - Regional SEPP. Pursuant to clause 4.9 of the Precincts - Regional SEPP, 'recreation infrastructure' is permissible with consent within the land use tables of Thredbo Alpine Resort.

### 2.3 Mandatory Matters for Consideration

#### Objects of the EP&A Act

Table 1 | Objects of the EP&A Act

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,	The proposal supports the ongoing use of Thredbo Alpine Resort for tourism through providing additional mountain biking.



(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,	The proposal facilitates ecologically sustainable development by supporting mountain biking within Thredbo Alpine Resort, having an acceptable impact on the environment by avoiding sensitive vegetation where possible and provides construction and operation jobs.  Mitigation measures during construction and rehabilitation of impacted areas deliver an ecologically sustainable development which are supported.
(c) to promote the orderly and economic use and development of land,	The development seeks approval for works that are aimed at providing an alternate alignment to the existing All Mountain bike trail within Thredbo Alpine Resort for the benefit of the mountain bike community and visitors to Thredbo.
(d) to promote the delivery and maintenance of affordable housing,	Not applicable to this proposal.
(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,	Refer to <b>Section 4.1</b> .
(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 trail construction responds to its existing setting (through use of the existing slope) and mitigates 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 A</b> ).
(i) to promote the sharing of the responsibility for environmental	The Department publicly exhibited the proposal ( <b>Section 3</b> ), which included consultation with government agencies and consideration of their responses.

planning and assessment between the different levels of government in the State,

- |   |   |
|---|---|
| <p>(j) to provide increased opportunity for community participation in environmental planning and assessment.</p> | <p>The Department publicly exhibited the proposal (<b>Section 3</b>), which included notifying all lodges within Thredbo Village and displaying the application on the NSW Planning Portal website.</p> |
|---|---|

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

**Table 2 | Section 4.15(1) Matters for Consideration**

Section 4.15(1) Evaluation	Consideration
(a)(i) any environmental planning instrument (EPI)	<p>The Precincts - Regional SEPP is the principal EPI which applies to the site for this type of development. An assessment against the requirements of Chapter 4 of the Precincts - Regional SEPP is provided below.</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, 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	The Department has considered the likely impacts of the development as a result of the proposal. The proposal is

	considered to have positive economic and social impacts through providing a new mountain bike trail that may lead to increased visitation to the Thredbo.
(c) the suitability of the site for the development,	The site is suitable for the development as discussed in <b>Section 4</b> of this report.
(d) any submissions made in accordance with this Act or the regulations,	Consideration has been given to the NPWS submission received during the exhibition period. See <b>Section 3</b> 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 would maintain its compatibility with the other mountain bike trails within Thredbo. The environmental impact is acceptable, and the proposal is consistent with the principles of ESD.</p> <p>As such, the proposal is believed to be in the public interest.</p>

## Environmental Planning Instruments

*State Environmental Planning Policy (Precincts - Regional) 2021* (Precincts - Regional SEPP) is the principal EPI applicable to the development. Consideration of Chapter 4 of the Precincts - Regional SEPP is provided below:

**Table 3 | Chapter 4 considerations**

<b>Section 4.12(1) - Matters to be considered by consent authority</b>	
(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 Thredbo Alpine Resort as a mountain biking destination.
(b) the conservation of the natural environment and any measures to mitigate environmental hazards (including geotechnical hazards, bush fires and flooding),	The proposal provides a trail diversion to an existing mountain bike trail that in its construction considers the natural environment, while mitigating its environmental impact. Natural hazards have been adequately addressed with submission of required supporting reports.
(c) the cumulative impacts of development on existing transport, effluent management	It is unlikely that the introduction of the trail diversion would attract additional riders than those already utilising or coming to Thredbo. Cumulative impacts are not likely to place any added burden on the transport, effluent

systems, waste disposal facilities or transfer facilities, and existing water supply,	management systems, waste disposal facilities, transfer facilities or the existing water supply
(d) any statement of environmental effects,	The SEE and supporting 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.
(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.</p> <p>The Applicant states that the Policy is not applicable to the proposal. The Department notes that no bridges are proposed requiring footings or structures.</p> <p>The construction of the trails typically involve disturbance / excavation works within the top 500mm of the ground level. Stability issues associated with these works can be effectively addressed by trail builders. No further assessment on geotechnical matters is considered necessary for the trail construction.</p>
(g) any sedimentation and erosion control measures,	<p>The construction would involve earthworks that would be done by small excavators or by hand as required. Therefore, appropriate erosion prevention and sediment control measures are required to be put in place for the duration of the construction works.</p> <p>The Applicant has provided a detailed SEMP that will be implemented prior to commencement of works.</p>
(h) any stormwater drainage works proposed,	The trail would not be subject to stormwater drainage works, as the Applicant proposes the trail be constructed using effective water diversion measures.
(i) any visual impact of the proposed development, particularly when viewed from the Main Range,	The proposal would not result in an unacceptable visual impact as the trail is not highly visible from any public vantage points nor would they be visible from the main range.
(j) any significant increase in activities, outside of the ski season,	The purpose of the proposal is to provide an alternative alignment of the existing All Mountain bike trail.



	The provision of the trail is not likely to increase the amount of summer visitors to the mountain, and no adverse impacts are expected. The local economy is more likely to benefit from the proposal and .
(k) if the development involves the installation of ski lifting facilities,	The proposal does not involve the installation of any new ski lifting facilities.
(l) if the development is proposed to be carried out in Perisher Range Alpine Resort: the document entitled Perisher Range Resorts Master Plan (PRRMP) and the document entitled Perisher Blue Ski Slope Master Plan,	Not applicable to this proposal, as site is located within Thredbo Alpine Resort.
(m) if the development is proposed to be carried out on land in a riparian corridor.	Not applicable to this proposal.

#### 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 3** and as required, discussions on the proposal at **Section 4**.

#### Section 4.24 – Heritage conservation

European heritage	The proposal would not impact on any European heritage items.
Aboriginal heritage	<p>The NPWS commented that the Aboriginal Cultural Heritage Assessment appears to have followed a suitable process and due diligence in determining that the proposed works are unlikely to harm Aboriginal objects.</p> <p>However, NPWS recommended 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.</p> <p>A condition is recommended addressing NPWS comments.</p>

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

- there would not be a significant impact on the environment
- the proposal does not impact upon cultural heritage, including Aboriginal cultural heritage
- the Department's assessment has noted that the proposal endeavours to minimise environmental impacts through its alignment and utilises existing disturbed areas where possible

### **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 (BOS) 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 proposed native vegetation clearing (1,250m<sup>2</sup> of the overall development footprint, which is 2,000m<sup>2</sup>) is below the threshold of 10,000m<sup>2</sup> for the site.

The Applicant submitted a Biodiversity Development Assessment Report (BDAR) to meet the requirements of the Biodiversity Assessment Method 2016 as the site is mapped on the Biodiversity Values Map. Further consideration assessment of the BDAR is provided in **Section 4**.

The BDAR also determined that the proposal is unlikely to have a significant impact on matters of National Environmental Significance (MNES) or Commonwealth land, and a referral to the Commonwealth Environment Minister is therefore not required.

The Department notes that there is currently no declared area of outstanding biodiversity value within KNP.

## **2.4 Other approvals**

### **Environment Protection and Biodiversity Conservation Act 1999**

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

The Applicant's consideration of the EPBC Act in the SEE concludes that the proposal will not result in any significant impacts on Matters of National Environmental Significance or indirectly affect Commonwealth land, and a referral to the Commonwealth Environment Minister is not necessary.

## 3 Submissions

### 3.1 Department's Engagement

The Department's Community Participation Plan, November 2019, prepared in accordance with Schedule 1 of the EP&A Act requires applications of development consent to be exhibited for a period of 14 days. However, applications under Chapter 4 of the Precincts - Regional SEPP are not required to be public exhibited if the proposal relates to works which are wholly internal to a building or where the site is located more than 50 metres away from a tourist accommodation building.

However, due to the public interest with mountain biking in Thredbo and extent of native vegetation impact, the Department exhibited the application for 14 days between 3 August 2022 to 16 August 2022 on the NSW Planning Portal website.

The application was also exhibited to all lodges within Thredbo Village and NPWS pursuant to clause 4.15 of the Precincts - Regional SEPP.

### 3.2 Summary of submissions

During the exhibition period, the Department received comments from the NPWS and one (1) public submission commenting that they support the proposal. No actions are arising from the public submission.

#### NPWS submission

The NPWS commented that whilst generally supportive of the proposed development (subject to conditions), concerns are raised issues with the incremental expansion of the Thredbo Mountain Bike Trail Network and the cumulative impacts for the KNP environment.

The NPWS commented on leasing and KNP Plan of Management matters to be raised separately with the Applicant; raised issue with the initially lodged BDAR (subsequently addressed in an amended BDAR, and with final comments from NPWS following the amendment); provided recommended conditions for the protection of native vegetation and rock removal, fauna management and rehabilitation requirements; and stated that the Aboriginal Cultural Heritage Assessment has followed a suitable process and due diligence.

NPWS sought the proposed trail be included within the Trail Management Plan (TMP) and Trail Inspection and Monitoring Plan (TIMP); that the trail be allowed to harden for at least a month prior to use; and that imported gravel or fill material and soil stabilising agents be authorised by NPWS prior to use.

The Department has considered the comments received from the NPWS in **Section 4** or through recommended conditions in the instrument of consent at **Appendix A**.

## 4 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 issues in the Department's assessment are:

- impacts on biodiversity
- construction impacts

Each of these issues is discussed in the following sections of this report.

### 4.1 Impacts on Biodiversity

The Department has carefully considered the potential biodiversity impacts associated with the proposal given the location of the site and the sensitive nature of the flora and fauna within the alpine area. The Department's assessment of the potential environmental impacts of the proposal along with appropriate mitigation and management measures are considered below:

#### Alignment and Endangered Species and Communities

The Project requires the clearing of 0.1 ha of native vegetation, most of which is already highly modified, and a further 0.1ha of exotic grassland on Ballroom ski run will also be disturbed. The Project will not result in any significant impacts on nationally and state conservation significant species, populations or ecological communities.

However, the Project site does provide potential habitat for the Alpine She-oak Skink which is classified as 'Endangered' under the EPBC Act and BC Act. The site is also known habitat for Broad-toothed Rat, listed as 'Vulnerable' under EPBC Act and BC Act. The clearing of vegetation would trigger the BOS under the BC Act (**Figure 3**).

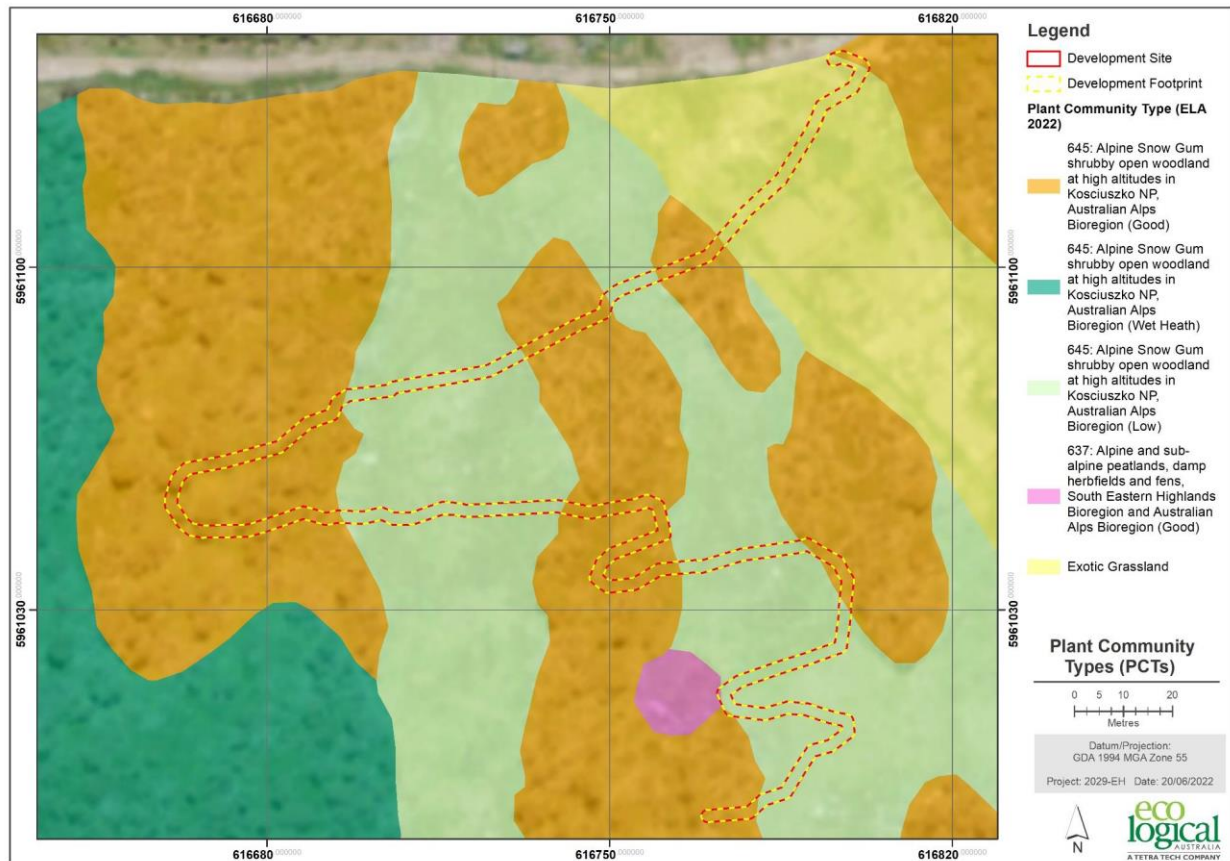
The NPWS raised concerns with the submitted BDAR over accuracy with the BOS assessment. An amended BDAR was submitted as a result of NPWS feedback. NPWS are satisfied that the amended BDAR addressed concerns and has recommended conditions to be included within the consent for the adoption of the BDAR including the implementation of the measures to minimise, mitigate and manage impacts and retirement of the ecosystem and species credits.

As a result of the proposed works, the amended BDAR notes a total of two (2) ecosystem credits and sixteen (16) species credits are required to offset the unavoidable impacts to the vegetation and habitats present within the development footprint.

The BDAR also states that the proposal will not result in any Serious and Irreversible Impacts (SAIL) with respect to the principles set out in clause 6.7 of the *Biodiversity Conservation Regulation 2017*. The Department also considers that the proposal is unlikely to cause SAIL following a review of the *Guidance to assist a Decision-Maker to Serious and Irreversible Impacts 2017*.

The Department considers the amended BDAR to be adequate and that impacts to the identified plant community types, and threatened flora and fauna species have been sufficiently avoided and mitigated. The alignment of the trail as proposed is therefore considered to be acceptable.





**Figure 3 |** Proposed alignment in relation to Plant Community Types (Source: Applicant's documentation)

### Vegetation removal and rehabilitation

The works involve the construction of a 500-metre mountain bike trail diversion that would impact upon approximately 1,250m<sup>2</sup> of native vegetation and a similar area of grassland or disturbed vegetation (current ski runs or previously disturbed areas).

NPWS recommended that the Detailed Site Environmental Management Plan (SEMP) be amended to ensure that live tree roots must be protected (and not removed) within the timbered areas of the trail corridor. This could occur through rock armouring, grade reversals or other construction methods.

The Applicant has amended the SEMP and raised no concerns with implementing this arrangement during construction. A condition is recommended to ensure compliance.

In addition, the NPWS recommended:

- the preparation of a Rehabilitation, Monitoring and Maintenance Plan, for the implementation, maintenance, monitoring and reporting on rehabilitation of areas disturbed to create the trail. The preparation of a Plan, with consultation with NPWS, ensures that monitoring of the site works is to occur and rehabilitation of impacts be addressed appropriately.
- the trail following completion be left to harden for 1 month prior to use.

While noting the above comments, the Department has also recommended that an Environmental Officer be appointed to review the site management arrangements prior to commencement of works to ensure that the works do not go into areas that have not been assessed as part of this application.

Subject to recommended conditions, the Department considers the disturbance of the native vegetation as a result of the proposed construction works to be acceptable.

## **Conclusion**

The Department is satisfied the Applicant has taken the appropriate steps to avoid, minimise and mitigate the proposal's biodiversity impacts consistent with the principles of the BC Act and Regulation.

The Department considers the BDAR has appropriately considered the biodiversity impact of the proposed works and the proposal's biodiversity impact is limited to the extent necessary to enable construction of the alignment of the diversion trail.

The Department considers the proposal is acceptable subject to the following conditions:

- retiring of the class and number of credits to the Biodiversity Conservation Fund as determined in the Biodiversity Credit Report, Appendix F of the BDAR submitted for the proposal
- avoidance of mature trees, large boulders, rock outcrops and minimisation of impacts to the trail corridor
- rehabilitation of disturbed areas and the appointment of an Environment Officer to monitor works
- preparation of a rehabilitation, monitoring and maintenance plan

## **4.2 Construction impacts**

### **Corridor width**

Consistent with the other previous trail construction within Thredbo Alpine Resort (i.e. Stage 1A, 1B, 1C and N4), the Applicant has based the proposed trail alignment on a corridor of 20 metres which is 10 metres either side of the ground-truthed alignment. In terms of the trail itself, the Applicant proposes to remove vegetation along a flexible alignment of 2 - 3 metres width (with an average of 2.5 metres), greater than the standard 'Intermediate' standard within the 20-metre corridor.

One of the benefits of the corridor is that this allows for minor adjustments to the location of the final trail during construction to respond to any unforeseen circumstances that may occur on site, particularly in relation to environmental constraints where it may be more appropriate to go around an object rather than remove it. This has proved to be beneficial with the construction of the recently completed trails.

The Department concludes that the proposed corridor width is satisfactory as it would enable the trail construction to review its alignment during construction, without the need for further assessment.

### **Materials**

The Applicant has identified that temporary stockpiles will be required along the trail alignment for the effective management of gravel, soil and vegetation. The stockpiles are proposed to be located within pre-disturbed areas, on relatively flat land, away from watercourses and avoid native vegetation. Excess

materials from construction is to be located within the main stockpile area within resorts Waste Transfer Station.

The NPWS has recommended that all machinery and equipment must be stored on existing disturbed areas (i.e. stockpile and staging areas on ski slopes) and should not be stored on native vegetation.

The identified site compound / stockpile location is positioned at an appropriate point to minimise any impacts on the existing vegetation, being predominantly located on disturbed areas. Careful monitoring of the site compound / stockpile area is required by the Applicant to ensure the materials do not spread into undisturbed areas. The Department has recommended that the SEMP is implemented prior to and during the works being carried out.

The Department has also adopted the NPWS recommended conditions including machinery, stockpile sites and soil and waste management. Particularly that works are to comply with '*Soil Stockpile Guidelines for the Resort Areas of Kosciuszko National Park, October 2017*'.

## 5 Recommendation

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:

- it would not result in any significant impacts on threatened species, populations or ecological communities, as demonstrated in the amended Biodiversity Development Assessment Report (BDAR)
- the diversion to the mountain bike trail provides an alternative alignment and would be constructed in accordance with the IMBA and other relevant standards
- the works will further facilitate the year-round use and function of the Thredbo recreational and tourist facilities and the existing mountain bike trail in general
- the recommended conditions would require all disturbed areas to be rehabilitated following construction and an environmental officer to monitor construction works

Overall, the Department is satisfied that the proposal is suitable for the site and in the public interest.

The Department therefore recommends that the application be approved, subject to recommended conditions. In accordance with the Minister's delegation of 9 March 2022, the Team Leader, Alpine Resorts Team may determine the application as:

- no reportable political donation has been disclosed
- there are less than 15 public submissions in the nature of objections
- the application is in relation to land to which Chapter 4 of the Precincts - Regional SEPP applies

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 22/9798, subject to the recommended conditions
- **signs** the attached Development Consent (**Appendix A**)

**Recommended by:**



**Mark Brown**  
Senior Planner  
Alpine Resorts Team

**Adopted by:**



**Daniel James**  
Team Leader  
Alpine Resorts Team  
  
as delegate of the Minister for Planning



# Appendices

## Appendix A – Recommended Instrument of Consent