



Cruiser Beginner Mountain Bike Trail, Thredbo

Development Application Assessment
DA 22/9799

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Glossary

Abbreviation	Definition
BC Act	<i>Biodiversity Conservation Act 2016</i>
BC Regulation	<i>Biodiversity Conservation Regulation 2017</i>
BVM	Biodiversity Values Map
Consent	Development Consent
CPP	Community Participation Plan
Department	Department of Planning and Environment
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 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 and 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 a Development Application (DA 22/9799) seeking approval for the construction of a mountain bike trail (Cruiser Beginner) which commences at the top of the Gunbarrel Chairlift and terminates at the bottom of Cruiser Ski Area, in addition to a Jumps Park located in the top half of the winter Easy Rider Terrain Park, accessible via the link trail off the new Beginner Trail and a Skills Park located at the bottom of the Ballroom ski run, accessible via the lower section of the existing Upper N4 and All Mountain trails. The subject site is located within the 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 and the proposal is permissible with consent under the provisions of the Precincts – Regional SEPP.

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. No public submissions were received.

The Department has assessed the proposal in accordance with relevant matters under section 4.15(1) and the objects of the *Environmental Planning and Assessment Act, 1979* (EP&A Act), and the principles of Ecologically Sustainable Development.

The Department considers 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 new mountain bike trail provides an alternative to traverse down the mountain and would be constructed in accordance with the IMBA and other relevant standards.
- the proposal involves rehabilitation of impacted areas following development, with the Biodiversity Offsets Scheme (BOS) also activated as a result of the proposed works.
- site management measures are in place to minimise impacts.
- the new mountain bike trail will further facilitate the year-round use and function of the Thredbo recreational and tourist facilities.
- the recommended conditions would require all disturbed areas to be rehabilitated following construction and an environmental officer to monitor construction works.

The Department's assessment concludes the application is in the public interest as it supports the ongoing use of Thredbo Alpine Resort for recreation purposes (mountain biking), which supports the regional plan for the locality and maintains its consistency with the Precincts - Regional SEPP.

The Department therefore 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 a Development Application (DA 22/9799) seeking approval for the construction of a mountain bike trail, jumps park and skills park, at Thredbo Alpine Resort within KNP.

Kosciuszko Thredbo Pty Ltd (the Applicant) is seeking development consent for the construction of a mountain bike trail (Cruiser Beginner) which commences at the top of the Gunbarrel Chairlift and terminates at the bottom of the Merritts ski area. In addition, the proposal includes a Jumps Park located in the top half of the winter Easy Rider Terrain Park that is accessible via the link trail off the new Beginner Trail and a new Skills Park located at the bottom of the Ballroom ski run, accessible via the lower section of the existing Upper N4 and All Mountain trails. (**Figure 1**).

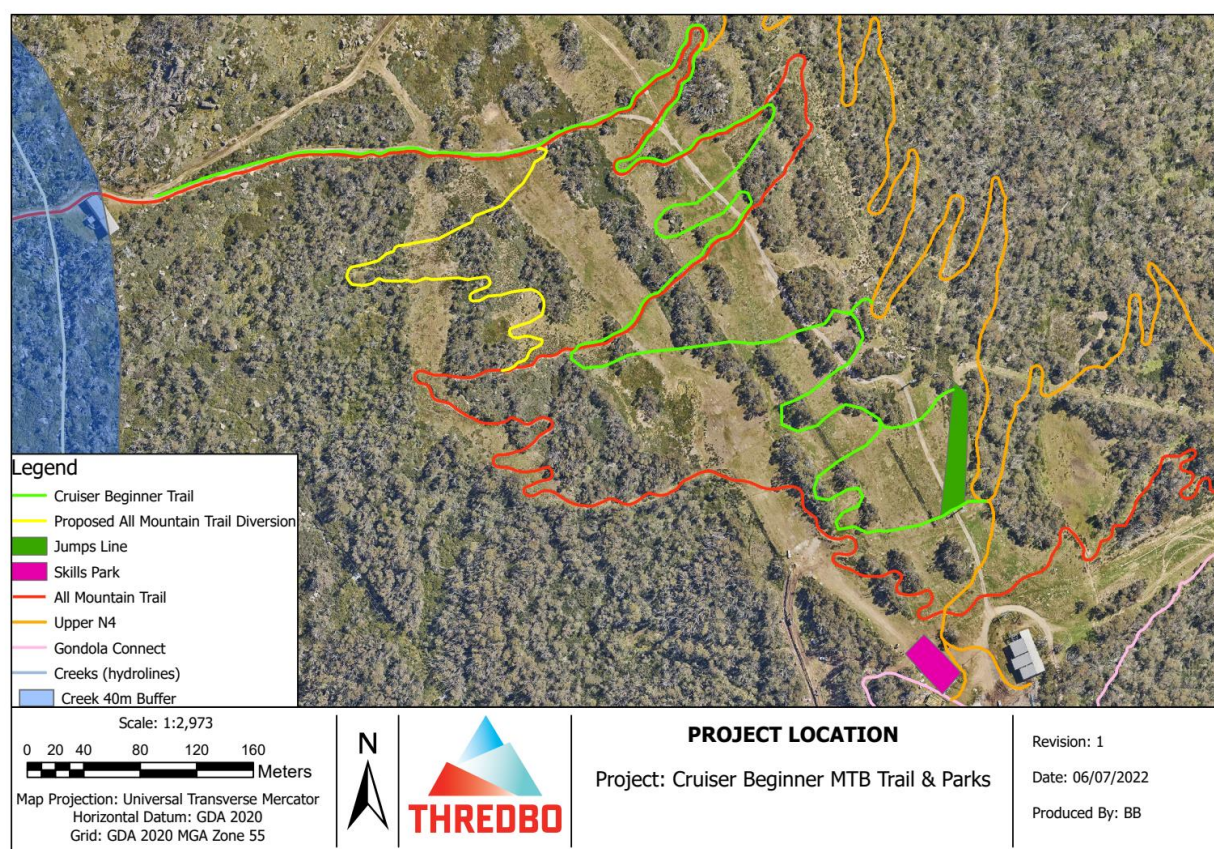


Figure 1 | Site in context of adjoining trails (Source: Applicant's documentation)

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. 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 location and context

The site is located in Thredbo Alpine Resort, which is within the southern part of KNP. 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 Applicant comments that the site is accessed from the top of the Cruiser Chairlift, with the trail generally located on both the eastern and western sides of the Cruiser Chairlift within the upper to mid slopes of the Merritts ski area, within and adjacent to the Playground ski run.

The application seeks approval for the following works:

- construction of a new mountain bike trail (1.8 km in length)
- construction of a new jumps park
- construction of a new skills park
- trail signage (decision point signs, parks signs and waymarkers)

The proposal has an estimated cost of works of approximately \$58,900.

1.3 Physical layout and design

The alignment of the mountain bike trail (as described by the Applicant):

- The Trail commences to the east of the Gunbarrel Chairlift, aligned within the Lower Cruiser traverse ski run.
- The Trail then zig zags across open ski runs (predominately utilising the existing All Mountain trail) and native vegetation islands within the upper section of the Cruiser Ski Area. The changes in direction aim to reduce the gradient of the trail.
- The Trail then loops back onto the existing All Mountain trail (descending southwest) into a berm. The Trail then exits the berm (descending to the east), traverses the open ski run and native vegetation islands, heading towards the Walkabout ski run.
- The Trail then crosses the Mountain access road into a berm. Riders will be able to either continue on the Trail or chose to take the link trail. Link trail A link trail (approx. 20 m long) diverts before the berm (through native vegetation island) onto the existing Upper N4 trail (facing east) (**Figure 2**).
- The Trail then zig zags across the lower section of the Cruiser Ski Area, creating a series of five turns between fragmented tracts of native vegetation and open ski runs comprising exotic grassland. Link trail A link trail into the new beginner jumps park is located off a berm in the lower section of the Trail.

- The Trail then leaves the open ski run and links back onto the existing Upper N4 trail which terminates at the lower section of the Cruiser Ski Area. The Skills Park is accessible via the existing Upper N4 trail.



Figure 2 | Proposed Trail to follow predominately disturbed area, into native vegetation island (facing east)
(Source: Applicant's documentation)

1.4 Native vegetation removal

The construction of the trail involves a direct impact on flora and fauna, including the clearing or further modification of 0.06 ha of native vegetation (including Alpine Snow Gums). Areas of the site are identified

on the Biodiversity Values Map as being of high biodiversity (**Figure 3**). The Applicant has provided a BDAR to meet the requirements of the Biodiversity Assessment Method 2016.



Figure 3 | The site in relation to areas identified on the Biodiversity Values Map (Source: Applicant's documentation)

1.5 Signage

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 1.8 metres high and 0.4 metres wide. Signs at four locations are proposed, including at the commencement of the trail, at two junctions to the Upper N4 and at the start of link trail to the Jumps Park.
- 'park signs' – being signs used to indicate name of the park, difficulty level / symbol and bike patrol number. The signs are 600mm wide and 800mm high. Signs will be located at the entrance of the Jumps Park and Skills Park.
- 'waymarkers' – being a bollard or post with symbols to guide the trail user providing directions. The sign is generally 100mm x 100mm x 1.2 metres tall. Approximately eight waymarkers are proposed.

1.6 Trail construction and machinery

Consistent with the construction of the other mountain bike trails within Thredbo Alpine Resort, the principles developed by the International Mountain Biking Association (IMBA) are proposed to be adopted during construction of the trail.

The Applicant proposes that the trail would have an average trail tread width of 900mm, which is contained within the trail corridor width of no more than 3 metres wide at any location and an average disturbance width not exceeding 2.5 m.

The trail surface is proposed to be predominantly natural soil, with local crushed granodiorite used where required. During construction appropriate drainage controls will be implemented to divert and/or manage stormwater run-off entering and leaving the site. The incorporation of rolling contours, grade reversals and outslowing the trail will minimise the potential impacts associated with surface water run-off during operation of the trail. Rock armouring also proposed to harden the trail to create an elevated trail tread above wet or soft terrain and to harden the trail tread against potential erosion from trail users.

1.7 Construction activities

Construction activities for the Cruiser Beginner Mountain Bike Trail will comprise the following:

- vegetation clearing within the trail corridor to expose bare earth
 - excess cut vegetation to be spread into the surrounding heath and used for rehabilitation of exposed soil on the trail edges
 - topsoil and vegetation sods are to be stockpiled close to the trail tread
- cut into the slope using a mini excavator and excavate the soil to achieve the appropriate depth of bench
- remove loose rocks, roots and compact the trail
- back slope the batter, ensuring outslope and appropriate drainage
- define the trail line using rocks, logs and other obstacles
- re-instate the verge areas, topsoil and preserved vegetation sods.

Construction activities for the Beginner Skills and Jump Parks will comprise the following:

- earthworks
- construction of manmade features.

2 Matters for consideration

2.1 Strategic Context

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 provide an additional 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 Cruiser Beginner trail limits its impact upon the sensitive vegetation and supports the increasing visitor base for mountain biking within Thredbo.

Precincts – Regional SEPP

The Precincts - Regional SEPP governs development on land within the ski resort areas of KNP. The SEPP aims to protect the natural and cultural heritage of land within the resorts and to encourage environmentally sustainable development. Under the provisions of Chapter 4 of the Precincts - Regional SEPP, the National Parks and Wildlife Service (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 broad range of values found in the park.

The Department considers the proposal is consistent with the Precincts - Regional SEPP as the proposal minimises native vegetation impacts through reviewing of the alignment (while acknowledging and having regard to sensitive vegetation communities) or utilises existing disturbed areas, while rehabilitating areas of disturbance at 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

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:

- works are aimed at promoting the orderly and economic use of the site as the Applicant seeks to increase summer activities to Thredbo, which is a tourist destination resort
- there would not be an unacceptable impact on the environment thus being ecologically sustainable development, with impacts upon native vegetation limited where possible and rehabilitation proposed to disturbed areas at the completion of works
- the proposal does not impact upon cultural heritage, including Aboriginal cultural heritage.
- the Department provided opportunities for community participation in the assessment process, which included exhibiting the application, notifying all lodges in Thredbo Village, and displaying the proposal on the NSW Planning Portal during the exhibition period. The Department has considered the issues raised in the NPWS 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:

- 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 endeavors 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 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 Applicant has considered the BOS framework, with further consideration in **Section 6** within this report.

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 BVM. Further consideration assessment of the BDAR is provided in **Section 6**.

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.

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

Considerations under section 4.15 of the EP&A Act

Under section 4.15 of the EP&A Act, in determining a development application, a consent authority is required to take a number of matters into consideration in relation to the proposed development. The Department has given due consideration to the matters prescribed by section 4.15 as outlined in **Table 1** below.

The table represents a summary for which consideration is provided for in **Section 6** (Assessment) and relevant appendices or other sections of this report, referenced in the table.

Table 1 | Section 4.15(1) Matters for Consideration

Section 4.15(1) Evaluation	Consideration
(a)(i) any environmental planning instrument (EPI)	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 in Appendix B . The Department is satisfied that the application is consistent with the requirements of Chapter 4 of the Precincts - Regional SEPP.
(a)(ii) any proposed instrument	Not applicable to the proposal.
(a)(iii) any development control plan	Not applicable to the proposal.
(a)(iia) any planning agreement	Not applicable to the proposal.
(a)(iv) the regulations	<p>The application satisfactorily meets the relevant requirements of the EP&A Regulation, particularly the procedures relating to development applications (Part 3) and fees (Part 13 and schedule 4).</p> <p>The Department has undertaken its assessment in accordance with all relevant matters as prescribed by</p>

	the regulations, the findings of which are contained within this report.
(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 as a result of the proposal (as discussed above in Section 4.4).</p> <p>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.</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 the NPWS submission received during the exhibition period. See Section 5 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 in the public interest.</p>

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 is unlikely to have a significant impact on matters of National Environmental Significance or 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 no public submissions. No actions are arising from the public submission.

3.3 Key issues – 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 MTB 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 6** or through recommended conditions in the instrument of consent at **Appendix C**.

4 Assessment

The Department has considered the relevant matters for consideration under section 4.15 of the EP&A Act, the Statement of Environmental Effects (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 Applicant advises that the proposed alignment has been designed to avoid sensitive native vegetation, however some areas of the alignment have been mapped as being located within biodiversity value areas and therefore the clearing of vegetation would trigger the BOS under the BC Act (**Figure 4**).

The NPWS raised concerns with the incremental expansion of the Thredbo MTB trail network and the cumulative impacts for the KNP environment, in addition to the initially lodged BDAR. 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 ecosystem credits and four 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 (SII) 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 SII 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.

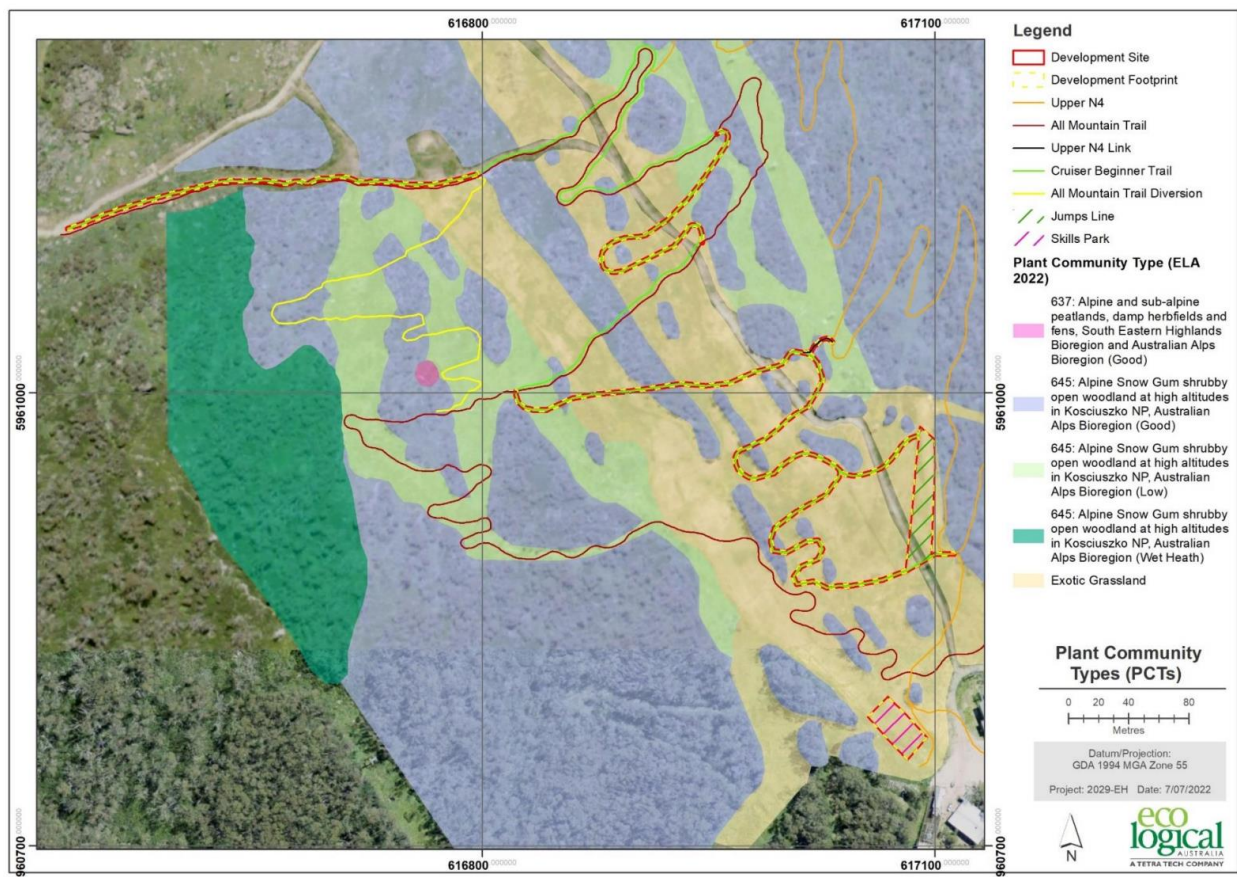


Figure 4 | Proposed works in relation to Plant Community Types (Source: Applicant's documentation)

Vegetation removal and rehabilitation

The works involve the construction of a 1.8 km mountain bike trail that would impact upon approximately 6,417m² of native vegetation and areas of grassland or disturbed vegetation (current ski runs or previously disturbed areas), in addition to the clearing of 0.06 ha of native vegetation.

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 new 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 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 the location of the works areas, site compound and stockpile locations within the Detailed SEMP – refer to **Figure 5, 6** below.



Figure 5 | Main stockpile location within Thredbo's Waste Transfer Station (Source: Applicant's documentation).



Figure 6 | Proposed Temporary Stockpile Location at Merritts Base Area (Source: Applicant's documentation).

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 application, accompanying documents and the Applicant's response to NPWS comments in accordance with the relevant requirements of the EP&A Act, Regulations and EPIs, and has carefully considered the submission from NPWS.

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 new mountain bike trail provides an alternative to traverse down the mountain and would be constructed in accordance with the IMBA and other relevant standards.
- the proposal involves rehabilitation of impacted areas following development, with the BOS also activated as a result of the proposed works.
- site management measures are in place to minimise impacts.
- the new mountain bike trail will further facilitate the year-round use and function of the Thredbo recreational and tourist facilities.
- 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.

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 22/9799, subject to the recommended conditions
- **signs** the attached Development Consent (**Appendix C**)

Recommended by:



Ethan Liang
Student Planning Officer
Regional Assessments Team

Approved by:



Daniel James
Team Leader
Alpine Resorts Team 5 December 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. Additional Information
3. Submissions

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

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,	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,	<p>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.</p> <p>Mitigation measures during construction and rehabilitation of impacted areas deliver an ecologically sustainable development which are supported.</p>
(c) to promote the orderly and economic use and development of land,	The development seeks approval for works that are aimed at providing an additional 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 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 Section 6.1 .

(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 Appendix C).
(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,	The Department publicly exhibited the proposal (Section 5), which included consultation with government agencies and consideration of their responses.
(j) to provide increased opportunity for community participation in environmental planning and assessment.	The Department publicly exhibited the proposal (Section 5), which included notifying all lodges within Thredbo Village and displaying the application on the NSW Planning Portal Website.

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

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

(a) the aim and objectives of this policy, as set out in clause 4.1	The proposal is consistent with the aim and objectives of Chapter 4 of the Precincts - Regional SEPP in that it is consistent with the principles of ESD and supports the ongoing use of the Thredbo Alpine Resort as a mountain biking destination.
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(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 new 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, including a geotechnical assessment.
(c) the cumulative impacts of development on existing transport, effluent management systems, waste disposal facilities or transfer facilities, and existing water supply,	It is likely that the introduction of the new trail (being rated as 'easy-intermediate') would attract additional riders of varying abilities to Thredbo. However, the cumulative impacts are not likely to place any added burden on the transport, effluent management systems, waste disposal facilities, transfer facilities or the existing water supply.
(d) any statement of environmental effects,	The SEE and 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.
(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 mountain bike trail for riders depending on the varying skill and interest levels.

The provision of the trail is likely to increase the amount of summer visitors to the mountain, however no adverse impacts are expected from the increase in summer visitation. The local economy is more likely to benefit from the proposal.

(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 proposal.

(m) if the development is proposed to be carried out on land in a riparian corridor.

Not applicable to proposal.

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

The proposal was referred to the NPWS pursuant to Chapter 4 of the Precincts - Regional SEPP. Refer to comments received at **Section 5** and discussion on proposal at **Section 6**.

CI 4.24 – Heritage conservation

European heritage

The proposal would not impact on any European heritage items.

Aboriginal heritage

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.

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.

A condition is recommended addressing NPWS comments.

Appendix C – Recommended Instrument of Consent