

Notice of decision

Section 2.22 and clause 20 of Schedule 1 of the *Environmental Planning and Assessment Act 1979*

Application type	Development Application
Application number and project name	DA 22/11272 – Alpine Coaster located on the site from the disused tennis courts at Valley terminal to the Mid Mountain Cat Shed, Thredbo Alpine Resort
Applicant	Kosciuszko Thredbo Pty Ltd
Consent Authority	Minister for Planning

Decision

The Team Leader of the Alpine Resorts Team under delegation from the Minister for Planning has, under s.4.16 of the *Environmental Planning and Assessment Act 1979* (**the Act**) granted consent to the development application subject to the recommended conditions and any additional conditions.

A copy of the development consent and conditions is available:

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

A copy of the Department of Planning and Environment's Assessment Report is available:

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

Date of decision

31 March 2023

Reasons for decision

The following matters were taken into consideration in making this decision:

- the relevant matters listed in section 4.15 of the Act and the additional matters listed in the statutory context section of the Department's Assessment Report;
- the prescribed matters under the *Environmental Planning and Assessment Regulation 2021*;
- the objects of the Act;
- all information submitted to the Department during the assessment of the development application and any additional information considered in the Department's Assessment Report;
- the findings and recommendations in the Department's Assessment Report; and
- the views of the community about the project (see Attachment 1).

The findings and recommendations set out in the Department's Assessment Report were accepted and adopted as the reasons for making this decision.

The key reasons for granting consent to the development application are as follows:

- the project is permissible with development consent under the *State Environmental Planning Policy (Precincts - Regional) 2021* and is consistent with NSW Government policies including the *South East and Tableland Region Plan 2036* aim to increase visitation to NSW ski resorts;
- the impacts on the community and the environment can be appropriately minimised or managed to an acceptable level, in accordance with applicable NSW Government policies and standards. The consent authority has imposed conditions relating to construction standards, environmental considerations, post construction certification and rehabilitation;
- the issues raised by the community during consultation and in submissions have been considered and adequately addressed by the Applicant and in the Department's Assessment Report; and
- weighing all relevant considerations, the project is in the public interest.

Attachment 1 – Consideration of Community Views

The Department's Community Participation Plan (November 2019) prepared in accordance with Schedule 1 of the EP&A Act required the development application to be exhibited for a period of fourteen (14) days. The Department extended the exhibition period to twenty-eight (28) days as the proposal is similar to the erection or extension of a new ski-lift line, for which the CPP indicates an exhibition period of twenty-eight (28) days, and the extended exhibition timeframe was considered to be consistent with the public interest. The exhibition was also extended by a further four (4) days as a result of technical issues with the Planning Portal website that meant it was inaccessible by the public. The Department exhibited the application between 5 September 2022 and 7 October 2022 on the NSW Planning Portal and notified all lodges within Thredbo Village of the works.

The application was also forwarded to the NPWS pursuant to (former) section 4.15 of the Precincts - Regional SEPP. Comments received from the National Parks and Wildlife Service are addressed in detail in the Department's Assessment Report.

Two (2) public submissions were received objecting to the proposal. The key issues raised in the submissions are considered in the Department's Assessment Report and by the decision maker, which relate to concern that the amusement ride of this scale is not appropriate in a National Park and that there will be adverse impacts on the environment and Thredbo community. The issues are addressed in detail in the Department's Assessment Report and tabulated below.

<i>Issue</i>	<i>Consideration</i>
<p><i>Coaster not appropriate ride in a National Park</i></p> <ul style="list-style-type: none"> concern that the scale of amusement ride proposed was incompatible with the management principle/s of the NSW National Parks 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The Department has consulted with the NPWS, and has been advised that the NPWS is satisfied that the proposal is permissible and consistent with their guiding plans and legislation, and suitable in the context. The use is permissible in accordance with Planning legislation, where outdoor recreation facility is permissible in Thredbo Alpine Resort in accordance with the Precincts - Regional SEPP. The consent authority has assessed the proposed amusement ride and is satisfied that the proposed works are acceptable. <p><i>Conditions</i></p> <ul style="list-style-type: none"> No conditions.
<p><i>Inadequacy of protection of BVM areas of vegetation</i></p> <ul style="list-style-type: none"> the development has not adequately avoided environmental impacts in relation to clearing BVM areas of vegetation 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The Applicant has advised that the recommendations from the ecologist engaged to undertake the Flora and Fauna Study have been incorporated into the design of the development, avoiding impacts on BVM vegetation. The proposal does not propose to undertake large areas of clearing or cause significant impacts to vegetation identified on the Biodiversity Values Map. While minor trimming of BVM vegetation may be required, this has been assessed and considered by the NPWS in their assessment of impacts on vegetation and whether a BDAR is required or the BOS is triggered. The NPWS has confirmed that the extent of any impacts to the BVM area is minor and have been appropriately investigated in the flora and fauna study, and that the BOS has not been triggered. Should non-compliance be advised to the Department or detected during routine review of works then compliance action can be initiated. The consent authority is satisfied that the proposed works are acceptable. <p><i>Conditions</i></p> <ul style="list-style-type: none"> Conditions have been included that require the clear delineation of the construction corridor and vegetation that can be removed, as well as no-go areas. Site management measures to protect the environment are required to operate prior to and during works, and rehabilitation of disturbed areas will be carried out at the completion of works.
<p><i>Lack of independent documentation and studies informing the proposal</i></p> <ul style="list-style-type: none"> biased and improper documentation provided by the Applicant in the SEE. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The Applicant has advised that a range of technical consultants (including ecologist, geotechnical engineer, civil engineers, architects and building certifiers) were engaged to prepare independent studies on environmental impacts to inform the impact assessment on existing values of the site, and the recommendations for avoidance, mitigation and impact amelioration from the technical consultants have been

	<p>incorporated into the design and construction of the development, together with due consideration undertaken of alternative locations.</p> <ul style="list-style-type: none"> The consent authority is satisfied that the documentation is appropriate and sufficient for the purposes of assessing the application. In addition, it is typical (and appropriate) for an Applicant to prepare the SEE from information and reports obtained. <p><i>Conditions</i></p> <ul style="list-style-type: none"> A range of conditions have been included requiring further input from independent consultants prior to commencing works and at the completion of works prior to commencing use of the Alpine Coaster.
<p><i>Coaster will be unsightly development and cumulative impacts</i></p> <ul style="list-style-type: none"> the development is regarded to be bulky, unsightly and visually intrusive the cumulative impacts of more infrastructure, further diminishing and compounding the impacts from the increasing number of structures, trails and tracks already negatively impacting the village view of the mountain increasing congestion of users and increasingly negative impacts on passive recreationalists and other users 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> While the Applicant has acknowledged that the development would be visible, they comment that location and design of buildings and structures has been undertaken to mitigate against intrusive impacts. Assessment of the application has included review of photo montage material provided for consideration with the application together with extensive site inspection and locality review. While the Alpine Coaster will certainly be visible from Thredbo Village vantage points, it is not considered vastly incompatible with the various types of linear ski slope infrastructure already visible in the same precinct or unduly intrusive. The cumulative impact of development is a consideration, and the assessment has concluded that the development will not result in adverse environmental, social or economic cumulative impacts on the natural or cultural environment. An objective of development in Alpine resorts is to encourage the carrying out of a range of development to support sustainable tourism in the Alpine region all year round. By encouraging development that is consistent with this objective in the SEPP, the cumulative impacts are also considered having regard to the objective of expanding tourism opportunities in the locality, where appropriate. It is anticipated that in supporting the development of a range of more active sustainable tourism opportunities, passive recreation activities may be better suited to other nearby locations within Thredbo Village or KNP. The consent authority is satisfied that the proposed works are acceptable with in relation to the impacts of the development. <p><i>Conditions</i></p> <ul style="list-style-type: none"> Conditions have been included that require building structures be finished in the muted natural palate typical of the locality, and that the coaster infrastructure be installed with a non-reflective finish.
<p><i>Noise impacts</i></p> <ul style="list-style-type: none"> Noise from the operation of the coaster and screaming riders impacting the Village and fauna, including birds. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> Additional noise from operation of the Coaster was considered acceptable given the locality within the village hub and the existing recreational activities within proximity. The Applicant has proposed operation times that restricts the use of the facility to 8:30 am – 4:30 pm during winter; and 8:30 am – 4:30 pm during summer, with extensions up to 5:30 pm during holiday periods. Limiting factors to operation of the Coaster include extreme weather events (e.g. heavy rain, wind, heavy snow, bush fire and lightning). The limited times means that noise should not intrude in early morning or late evening periods of quiet repose, even though noise associated with snow-making and grooming activities will continue on slope as usual. Operational noise from the Coaster was indicated as not being dissimilar to the noise associated with the existing bobsled operation in summer and other year-round lifting operations in the resort. The consent authority is satisfied that the proposed development is acceptable. <p><i>Conditions</i></p> <ul style="list-style-type: none"> Conditions have been included that require the following to help abate and manage noise: <ul style="list-style-type: none"> management of the construction of the site in accordance with Australian Standard AS 2436-2010 (Guide to noise and vibration control on construction, demolition and maintenance sites) and to ensure there is no adverse impact on any neighbouring/affected tourist accommodation buildings during the construction phase of the development.

	<ul style="list-style-type: none"> - posting of a site notice which includes a 24-hour contact phone number for any inquiries, including construction/noise complaints. - operation hours, as indicated above. - condition relating to operational noise, requiring that, the development shall not give rise to 'offensive noise' under the <i>Protection of the Environment Operations Act 1997</i> at any time. - requirement to keep a noise complaint register, at that the Department must be notified of all complaints and how the complaints were dealt with.
<p><i>Impacts on water quality</i></p> <ul style="list-style-type: none"> • Coaster impacts on the Thredbo River. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • Minor works are being carried out within 40 metres of the Thredbo River, however they are minor in nature and DPE Water has advised that a controlled activity approval under the <i>Water Management Act 2000</i> is not required. • The development does not propose - and will not be permitted - to cause pollution to the Thredbo River. • The consent authority is satisfied that the proposed development is acceptable, as conditioned. <p><i>Conditions</i></p> <ul style="list-style-type: none"> • Conditions have been included that require the development of the following plans, in consultation with the NPWS, and implementation of those plans, to prevent pollution of a waterway: <ul style="list-style-type: none"> - surface and groundwater management plan - stormwater management plan - carparking plan, including detail as to the collection and discharge of run-off - a detailed Erosion and Sediment Control Management Plan. <p>An Environmental Officer on site during works will have to inspect and verify that the environmental management measures required in the various plans are in place and operating effectively.</p>