



# Modification Application Supporting Report

DA 21/16265 Cruiser Blue Mountain Bike  
Trail



Department of Planning  
and Environment

*Issued under the Environmental Planning and Assessment Act 1979*

Approved Section 4.55 (1A ) Modification Application

No MOD 23/2233 (DA 21/16265 MOD 1)

granted on the 31 March 2023

In respect to DA 21/16265

Signed M Brown

Sheet No 9 of 10

## Document Control

Revision	Date	Revision Type	Author	Approved by
A	14.02.2023	Draft	C.Chalk, B.Bourke	A.Harrigan
0	14.02.2023	Final	C.Chalk, B.Bourke	A.Harrigan

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# 1 Introduction

This Modification Application (MOD) relates to Development Application (DA) 21/16265 which was granted development consent on 17 March 2022. The Applicant for the MOD is Kosciuszko Thredbo Pty Ltd (KT) (ABN 95 000 139 015).

The purpose of this MOD is to seek approval for sections of the Cruiser Blue Mountain Bike Trail (the Trail) that were constructed outside of the approved corridor under DA 21/16265.

The Development site commences at the top of the Cruiser Chairlift and descends the slope to connect into the All-Mountain Trail within Thredbo Alpine Resort (Thredbo) (**Appendix A**). Thredbo is located approximately 35 kilometres (km) south-west of Jindabyne, New South Wales (NSW). The site is located on land formally described as Lot 876/DP 1243112.

## 2 Background

For the purpose of this document, KT refers to Areas 1-5 which originate top to bottom.

The '*approved alignment*' refers to the DPE stamped plan that was tracked with a phone GPS.

The '*approved 20 m corridor*' refers to the corridor 10 m either side of the '*approved alignment*'.

The '*Works as Executed (WAE) alignment*' refers to the as built alignment submitted with the Statement of Completion documentation.

### 2.1.1 Approved Development under DA 22/458

DA 21/16265 permitted the construction of the Trail in accordance with Condition A.2 of the Development Consent. The works approved included:

- Vegetation clearing;
- Construction of mountain bike trail within the approved 20m corridor; and
- Rehabilitation.


## 3 Development components subject to this MOD Application

This MOD relates to the construction of Trail sections outside of the approved 20 m corridor (refer **Figure 1**).



**Legend**

- Cruiser Blue WAE
- Cruiser Blue Approved Alignment
- Construction Corridor

Scale: 1:2,200  
 105 0 10 20 30 40  
 Meters

Map Projection: Universal Transverse Mercator  
 Horizontal Datum: GDA 1994  
 Grid: GDA 1994 MGA Zone 55



**Works As Executed**  
 Project: MTB Trails  
 DA 21/16265 Cruiser Blue

Revision: 3  
 Date: 7/02/2023  
 Produced By: BB

In several locations the result of trail construction outside of the approved 20 m corridor is due to the inaccuracy of the phone GPS used to mark the approved alignment. As you can see in the Area 1 example below, a trail wouldn't descend in such a direct line or contain such sharp turns. This is apparent in several sections along the trail.

**Area 1 example of GPS innacuracy**



A trail wouldn't descend in this direct alignment. The GPS has not picked up the intended shape of the corner/berm. Tree cover affects GPS accuracy.

Logged with phone, 11m vertices, Innacuracy of phone GPS is evident



Logged with trimble, 1 m vertices

## 4 Statutory Framework

The SEE (Dabyne 2021) provided a review and assessment against key legislation and planning instruments applicable to the Development. The Development remains substantially the same as the approved development under DA 21/16265, with a few sections outside of the approved 20 m corridor. The works subject to this MOD do not trigger any integrated development requirements.

Additional statutory considerations relevant to this MOD are provided below.

### 4.1 Section 100 of EP&A Act – Content of a Modification Application

A cross-reference to the requirements for a modification application in accordance with Section 100 of the *Environmental Planning and Assessment Regulation 2021* (EP&A Regulation) is provided in **Table 1**.

**Table 1: Content of modification application**

Content of modification application (Section 100 of EP&A Regulation)	Response
(1) A modification application must contain the following information—	
(a) the name and address of the applicant,	Kosciuszko Thredbo Pty Ltd 2 Friday Drive, Thredbo NSW 2625
(b) a description of the development that will be carried out under the development consent	A description of the works is provided in <b>Section 3</b> .
(c) the address and folio identifier of the land on which the development will be carried out,	Refer <b>Section 1</b> .
(d) a description of the modification to the development consent, including the name, number and date of plans that have changed, to enable the consent authority to compare the development with the development originally approved,	A description of the modification is provided in <b>Section 3</b> . A cross-reference to amended plans is provided in <b>Section 4</b> .
(e) whether the modification is intended to— (i) merely correct a minor error, misdescription or miscalculation, or (ii) have another effect specified in the modification application,	This MOD is seeking approval for sections of the Trail that were constructed outside of the approved 20 m corridor.  The Development will remain substantially the same as the development originally approved.
(f) a description of the expected impacts of the modification,	The Development impacts described in the SEE (Dabyne 2021) and supporting reports remains relevant to this MOD. The level of environmental impact resulting from the deviations to the approved alignment are considered acceptable.  <b>Ecological considerations</b> Eco Logical Australia Pty Ltd (ELA 2022) were engaged as part of DA 21/16265 to assess the level of ecological impact from the Development.

	The level of impact that was determined by ELA (2022) remains applicable to this MOD i.e. the works will not result in any significant adverse impacts on threatened species, populations or ecological communities pursuant to the NSW <i>Biodiversity Conservation Regulation 2016</i> or the Commonwealth <i>Environment Protection and Biodiversity Conservation Act 1999</i> . Refer to <b>Section 6</b> for further detail.
(g) an undertaking that the modified development will remain substantially the same as the development originally approved,	See comment against (e).
(h) for a modification application that is accompanied by a biodiversity development assessment report—the biodiversity credits information,	-
(i) if the applicant is not the owner of the land—a statement that the owner consents to the making of the modification application,	KT is the Applicant for this MOD.
(j) whether the modification application is being made to— (i) the Court under the Act, section 4.55, or (ii) the consent authority under the Act, section 4.56.	This MOD is being made to the consent authority under the EP&A Act.  This MOD is substantially the same as the development for which the consent was originally granted, and results in acceptable environmental impact.
(2) Subsection (1)(i) does not apply if the consent of the owner is not required under section 98.	KT is the Applicant for this MOD.
(3) If a modification application under the Act, section 4.55(1A) or (2) relates to BASIX development, or BASIX optional development if the development application was accompanied by a BASIX certificate, the application must be accompanied by—	-
(a) the BASIX certificate, or	
(b) a new BASIX certificate if the current BASIX certificate is no longer consistent with the development.	

## 4.2 Snowy Mountains SAP Master Plan

The original DA was approved prior to the commencement of the Snowy Mountains SAP Master Plan. The Snowy SAP Master Plan sets out the vision, principles, and precinct-wide performance criteria to support the planning controls in three Environmental Planning Instruments (EPIs).



The protection of the natural, cultural and social values of KNP is a primary focus of the Snowy Mountains Special Activation Precinct. The works subject to this MOD will not result in any significant adverse impacts on natural values.

The construction team have followed the first avoid impacts on biodiversity, then minimise and mitigate impacts.

The works have not impacted on any cultural values. The Trail will contribute to the social values of KNP through expansion of Thredbo’s MTB Network.

## 5 Amendments to Approved Documents and Plans for DA 22/458

A cross-reference is provided in **Table 2** to highlight the approved plans under DA 21/16265 that have been amended to support this MOD.

**Table 2: Amendments to Approved Documents and Plans under DA 22/458**

Document	Title / Description	Author / Prepared by	Document Reference	Amended Plan Reference
Plan	Proposed Cruiser Blue Trail	-	Stamped Plan, Sheet 4 of 8	Works As Executed, Rev 3, 7/02/2023, prepared by BB.

## 6 Impact Assessment

The total area of additional disturbance outside of the approved 20 m corridor is 125.48 m<sup>2</sup>. Of this area, 60.62 m<sup>2</sup> is located within a heavily disturbed ski slope (Area 4). The remainder of works identified outside of the approved 20 m corridor are due to GPS inaccuracies resulting in both the Trail and 20 m corridor not being accurately portrayed. Refer to **Table 3** for details.

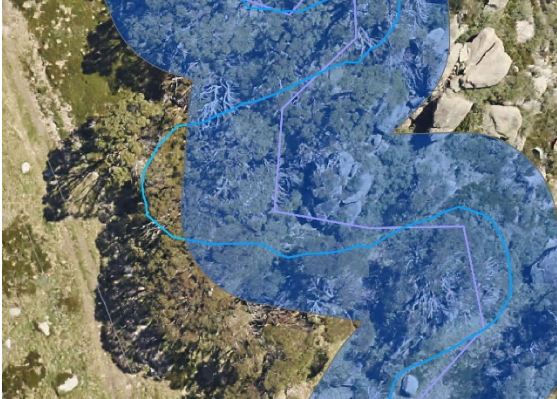

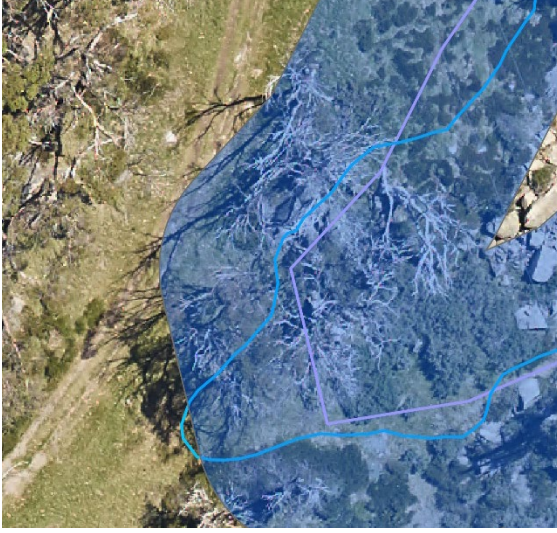
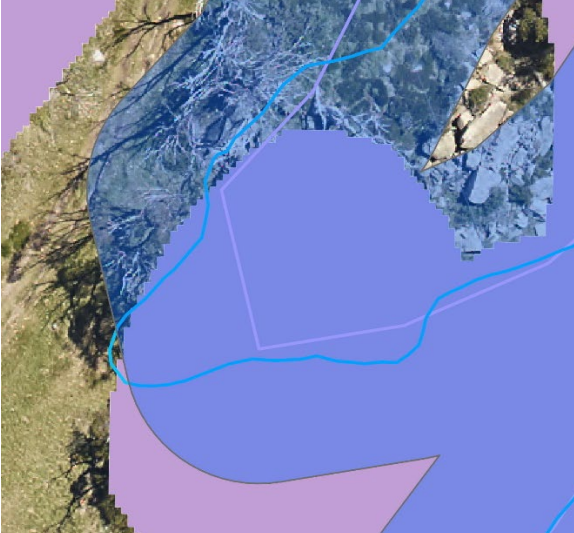


**Table 3: Analysis of works outside approved 20 m corridor**

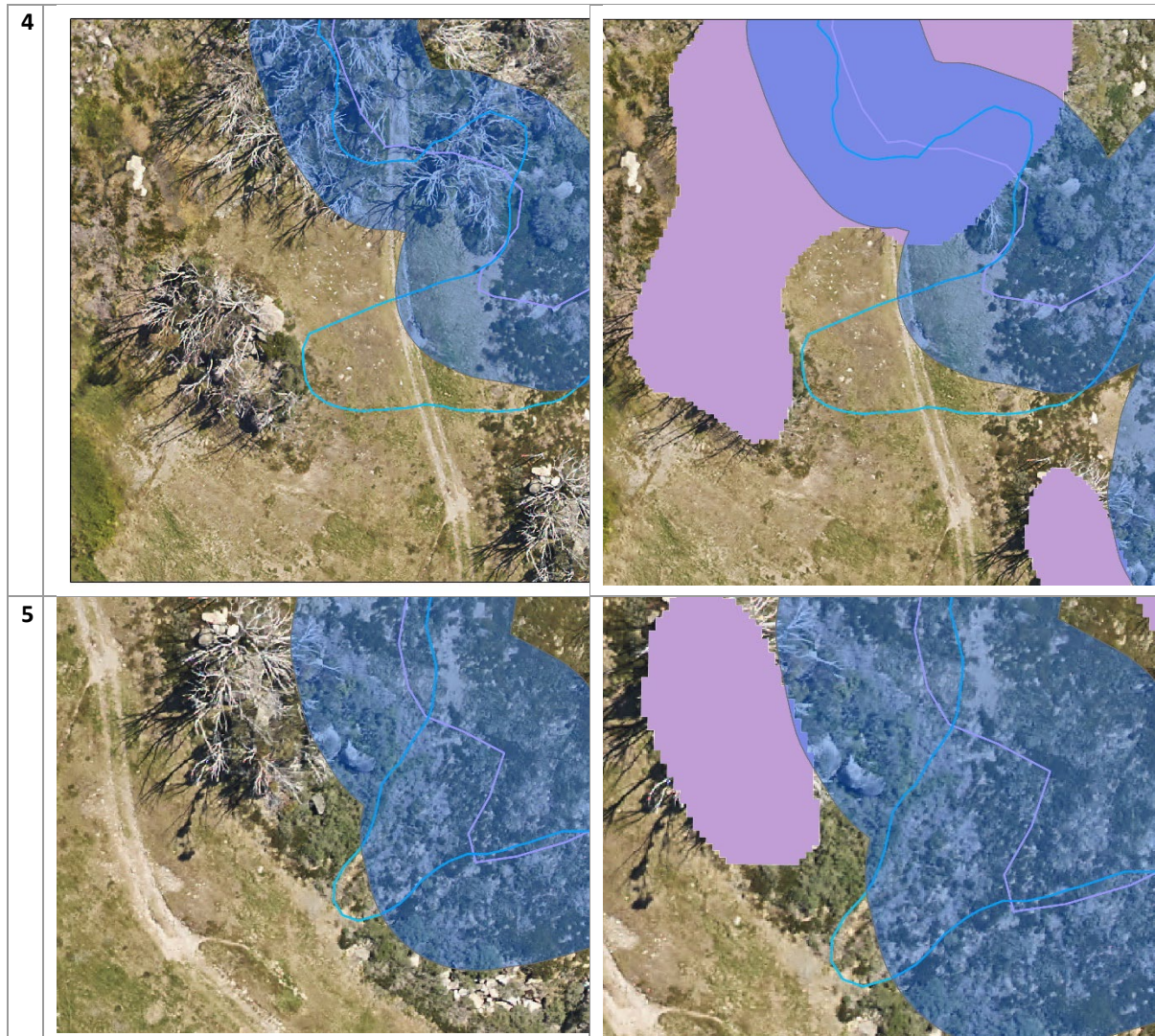
Area	Distance from Approved 20 m Corridor (m) <sup>1</sup>	Length of trail outside Approved 20 m Corridor (m)	Area of Disturbance <sup>2</sup> Outside Approved 20m Corridor (m <sup>2</sup> )	Is the Area mapped on the Biodiversity Values Map? See Table 4	Justification
1	4.28	12.23	30.58	<p>The majority of Area 1 is mapped on the BVM. Ground truthing undertaken by Eco Logical Australia (ELA) confirms the approved 20 m corridor is located within PCT 645 (Good). Area 1 transitions from (PCT (Good) to PCT 645 (Poor).</p> <p>The outer section of this Area has been affected by historic vegetation removal and pruning for ski slope management. No tree removal required in Area 1.</p>	<p><b>Area 1 is a result of GPS inaccuracy.</b> As shown in Area 1 below, the approved alignment taken with the phone GPS traverses a rocky outcrop and shows extremely sharp corners due to inaccuracy. The corner should have been located further to the west and shaped as per the WAE alignment.</p> <p>If the trail was constructed as per the approved alignment in this location it would have resulted in the exit to the corner being too steep and tight potentially causing erosion and rider safety issues.</p>
2	0.96	4.01	10.03	<p>A minor section (1.11 m in length; 2.75 m<sup>2</sup>) of Area 2 is mapped on the BVM. This section is located within a cleared / pre-disturbed area as a result of historic vegetation removal and pruning for ski slope management. No tree removal required in Area 2.</p>	<p><b>Area 2 is a result of GPS inaccuracy.</b> As shown in Area 2 below, the approved alignment shows sharp corners and straight lines between vertices. The corner should have been located further to the west and shaped as per the WAE alignment.</p> <p>This section has resulted in a decrease in the grade of the trail. If the trail was constructed as per the approved alignment the trail would have been too steep causing erosion and rider issues.</p>

3	0.46	3.36	8.4	Area 3 is not mapped on the BVM.	<p><b>Area 3 is a result of avoiding impact to a conservation significant flora species.</b> A corner was removed in this area and trail realigned within the approved 20 m corridor to avoid <i>Ranunculus anemoneus</i> (Anemone Buttercup) and comply with Condition C.4 (b)(iii).</p> <p>Due to this the corner was moved to a more appropriate location and trail aligned to reduce excessive speed into the following corner. The purpose of this is to reduce braking bumps and trail deterioration.</p>
4	14.27	24.25	60.62	Area 4 is not mapped on the BVM.	<p><b>Area 4 is a result of unexpected construction impact.</b> During construction, a timing cable that we were unaware of was uncovered on the approved alignment and the trail was realigned outside of the approved 20 m corridor onto the heavily disturbed ski slope.</p> <p>To avoid this timing cable the corner was moved onto disturbed ski slope as the area above it was too rocky and steep to build in potentially causing erosion issues.</p> <p>Due to the steep grade, riders would have carried too much speed into the following corner causing excessive braking leading to trail deterioration.</p>
5	3.61	6.34	15.85	Area 5 is not mapped on the BVM.	<p><b>Area 5 is a result of GPS innacuracy.</b> It is evident phone GPS inaccuracy has resulted in trail construction outside of the approved 20 m corridor. The corner should have been located further to the west and shaped as per the WAE. The sharp corners and steep downhill section were not intended for the trail.</p>
<b>Total:</b>			125.48m <sup>2</sup>		

1 = distance measured from edge of 20m corridor to furthest point of trail; 2 = length of trail outside approved 20m corridor x average trail width (2.5m)

**Table 4: Areas outside of approved 20 m corridor**

	Approved alignment, 20m approved corridor, WAE	Approved alignment, 20m approved corridor, WAE with Biodiversity Values Map
1		
2		
3		



The built alignment (WAE) has resulted in a better environmental and safety outcome, based on the following:

- The trail has been constructed on the intended alignment in Areas 1 and 2 to reduce ongoing erosion impacts and improve rider safety.
- The trail has avoided impacts to *Ranunculus anemoneus* in Area 3.
- In Area 4 the Trail has been re-aligned onto the heavily disturbed ski slope to avoid impacts to mountain operations. This also results in a better environmental outcome.
- In Area 5 the trail has been constructed on the intended alignment.

## 7 Project Timing

Construction of the Trail has been completed. Opening of the Trail is subject to the approval of this MOD.

## 8 Conclusion

This MOD is seeking approval for Trail construction outside of the approved 20 m corridor under DA 21/16265.

This MOD has considered the potential impacts of the works in accordance with relevant statutory requirements. The modification involves minimal / acceptable environmental impact, where the development will remain substantially the same as the development that was originally approved under DA 21/16265.

## 9 References

Development Consent, Cruiser Blue Mountain Bike Trail, Thredbo Alpine Resort, Kosciuszko National Park, 17 March 2022.

Dabyne Planning Pty Ltd (Dabyne) 2021, Statement of Environmental Effects – Thredbo Mountain Bike Trails Cruiser Blue MTB Trail, Merritts Thredbo Alpine Resort, Kosciuszko National Park.

Eco Logical Australia Pty Ltd (ELA) 2022, Propose Cruiser Blue Trail, Thredbo Alpine Resort Biodiversity Development Assessment Report, version 6.