

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 23/11136 — Realignment of Ricochet Mountain Bike Trail, 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, Housing and Infrastructure's Assessment Report is available:

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

Date of decision

27 August 2024

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 draft *South East and Tableland Region Plan 2041* aim to increase visitation to NSW ski resorts during the summer period;
- 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;
- no issues were raised by the community during the assessment of the proposal; 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 requires nominated integrated development applications be exhibited for a period of twenty-eight (28) days. As the original application (prior to acceptance of the amendment) included an alignment that was within forty (40) metres of a watercourse, the Department exhibited the application between 7 September 2023 to 4 October 2023 on the NSW Planning Portal and notified all lodges within Thredbo Village of the works.

The Department referred the application to the Department of Planning and Environment - Water (DPE-Water) pursuant to section 4.46 (integrated development) of the EP&A Act as a Controlled Activity Approval under the *Water Management Act 2000* is required for development within forty (40) metres of a watercourse. The application was also referred to National Parks and Wildlife Service (NPWS) as required by the Precincts-Regional SEPP.

DPE Water issued General Terms of Approval (GTA) for the original proposal. NPWS provided comments, which required a review by the Applicant.

A request to amend the application was received and approved by the delegate of the Minister for Planning on 11 March 2024 which provided a new alignment that was no longer within forty (40) metres of a watercourse. Consequently, the application is no longer integrated development and consideration of comments from DPE Water was not necessary.

Comments were received from NPWS on the amended alignment, which have been considered and addressed in detail in the Department's Assessment Report.

There were no community views that needed to be taken into consideration in making this decision as no issues were raised by the community and no public submissions were received during the exhibition period.