



Snowmaking Infrastructure – Lower Supertrail, Thredbo

Development Application Assessment
DA 23/12108

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Glossary

Abbreviation	Definition
BCA	Building Code of Australia
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 & Wildlife Service
Planning Secretary	Secretary of the Department of Planning and Environment
SEPP	State Environmental Planning Policy

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1 Introduction

1.1 Summary of Proposal

This report details the assessment of a Development Application (DA 23/12108). Kosciuszko Thredbo Pty Ltd (the Applicant) seeks approval for snowmaking infrastructure installation and upgrade works on the ski slopes of Thredbo Alpine Resort within Kosciuszko National Park (KNP).

The proposed cost of works is \$951,000.

The land to which the proposal relates is legally described as Lot 876, in Deposited Plan (DP) 1243112, (Figure 1 and Figure 2).

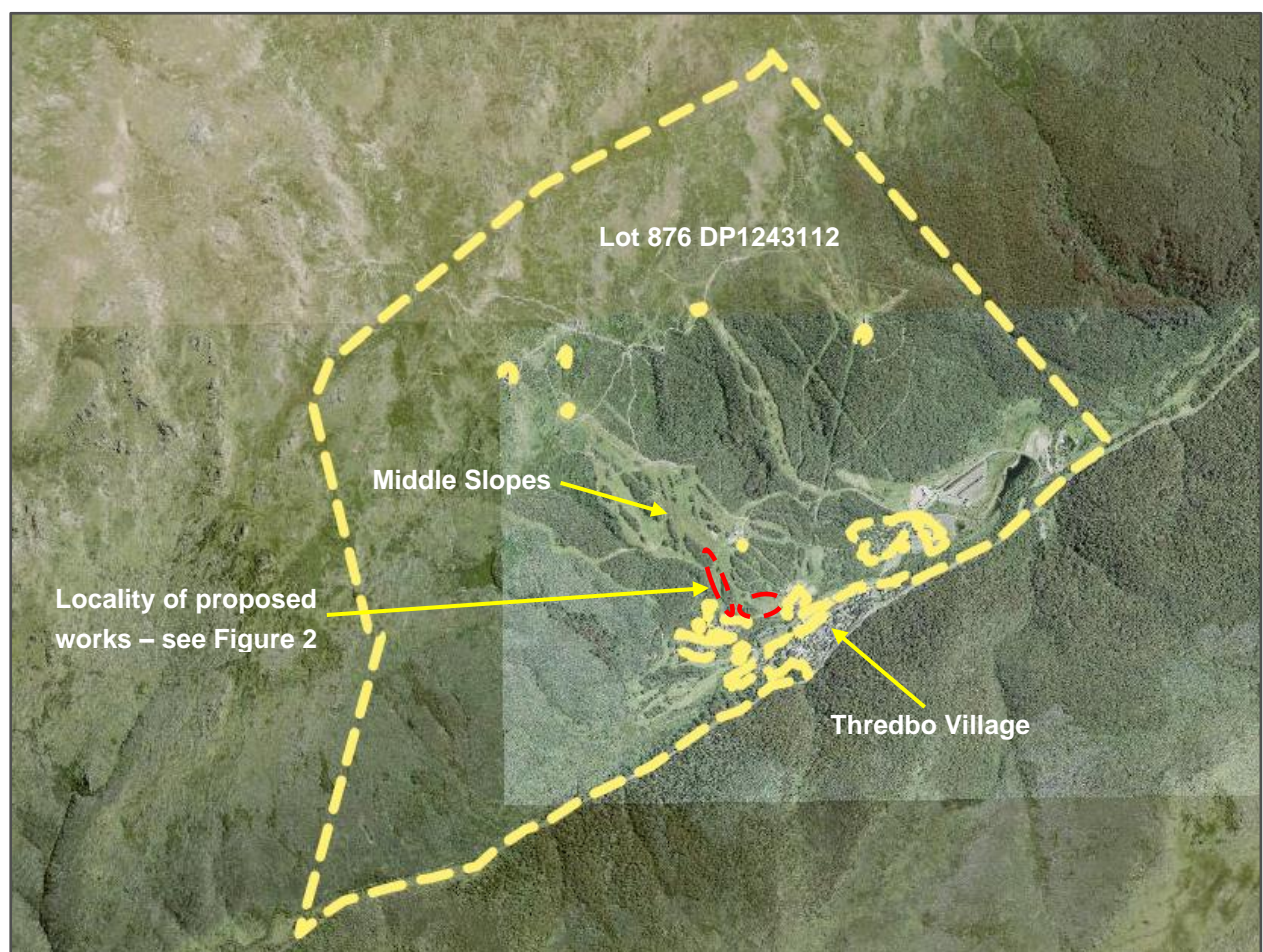


Figure 1 | Locality of proposed development in context of Thredbo Alpine Resort and surrounding areas
(Source: ePlanning Spatial Viewer 2023, with Department annotations)



Figure 2 | Indicative area of proposed works shown in yellow dashed areas (Source: Nearmap with annotations by the Department)

1.2 Site Context

The site is located within the Thredbo Alpine Resort (the Resort), which is approximately thirty (30) kilometres south-west of Jindabyne in the southern part of KNP. Thredbo is a year-round tourist destination resort catering for both winter and summer activities.

The site of the proposed development is approximately 450 metres west of Thredbo Village, located within an existing ski slope area known as Lower Supertrail.

The Applicant describes the area as being *'located between Bunny Walk station and the base of Lower Supertrail. The site comprises the Lower Supertrail (west of Cat Shed to base of Valley Terminal)'*.

The areas of the proposed works can be generally described as previously disturbed land in the Resort (ski slopes), comprising of snowmaking infrastructure, being subterranean snowmaking mains with above ground hydrant points and snowmaking guns.

The site is accessible via the summer mountain access road via Friday Drive. The lower section of the Development site is accessible from Valley Terminal, see **Figure 3**.

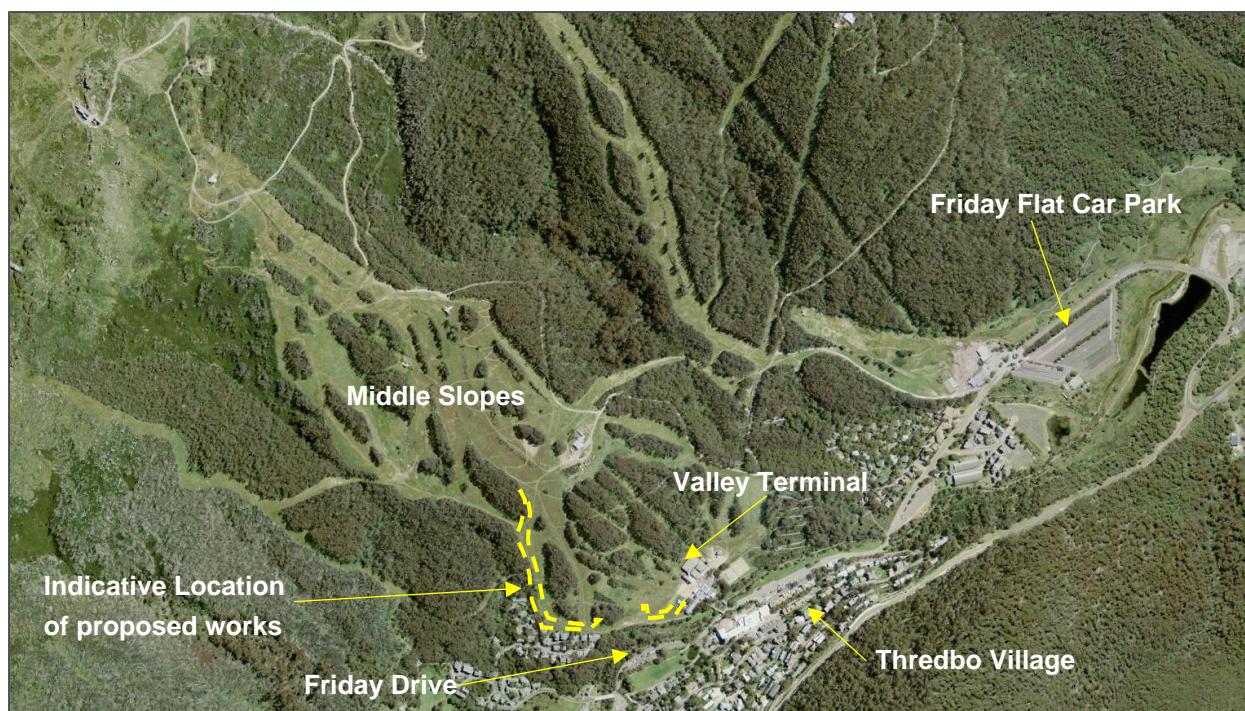


Figure 3 | Location image (Source: Six Maps 2023 with annotations by the Department)

1.3 Proposed Development

Snowmaking Infrastructure

The Resort operates an existing snowmaking system on site, comprising a network of water and air pipes which service snowmaking guns. The guns are generally either 'lance' type guns which rely upon air, water and electricity supply (when an automatic type of gun), or 'fan' type guns, which utilise in-built air compressors, needing only water and electricity services.

The proposed development seeks to upgrade the Resorts snowmaking infrastructure by replace aging snowmaking guns and the installing of new 'fan' type snowmaking guns. An overview of the proposed development can be seen in **Figure 4**.

Within the locality of the proposed development, there are 18 existing 'lance' type snowmaking guns and eight (8) manual hydrant points (**Figure 4**). The Applicant seeks to install nine (9) new 'TT10' type fan guns and associated pits (example seen in **Figure 5**), with new electricity and dialogue cabling to also be installed to service the proposed guns.



Figure 4 | Lower Supertrail area showing existing and proposed snowmaking and services infrastructure (Source: Applicant's Documentation)

The proposed snowmaking infrastructure works comprise of the following components:

New and Replacement Snowmaking Guns

The proposed nine (9) new 'T110' fan gun locations can be seen in **Figure 4**, as also seen, in some areas on the Lower Supertrail run the new 'fan' guns will replace existing 'lance' type guns and their pits (see example in **Figure 6**). The new fan guns will connect into existing snowmaking mains (water only) within the locality and be serviced by proposed new electricity and dialogue cables/services

The fan guns are approximately 4.1 metres high and are mounted on top a subsurface 'fan pit'. The pits are 1.64 metres long x 1.14 metres wide x 1.61 metres deep. **Figure 5** shows a typical 'fan' gun and pit configuration.

New Electricity and Dialogue Cables

New electricity and dialogue cabling is to be installed adjacent to existing snowmaking mains to service the proposed new and replacement fan guns. Two (2) separate sections of cabling are proposed, as seen in **Figure 4** the first section proposed is to generally run along the alignment of the Lower Supertrail ski slope within existing distributed areas. This section will connect to an existing electrical service pillar at the bottom (southern end) of the slope and service eight (8) of the proposed 'fan' guns. The second section of the proposed electricity and dialogue cabling will service one (1) 'fan' gun (nearest to the Valley Terminal) and will connect to an existing building near the terminal (known as the Thredbo Ski Racing Club).

Lateral Connections:

New lateral connections are required to provide the necessary services to the new 'fan' guns. Trenches will provide connection from existing snowmaking watermains and include electricity and dialog cables to new fan pits (where new pits replace existing pits only power and dialog cables required in lateral as water is already provided to these locations).



Figure 5 | Example of T110 type snowmaking fan gun and pit (Source: Applicant's Documentation)



Figure 6 | Example steel pit and lance type snow gun to be replaced (Source: Applicant's Documentation)

Excavation Works

To facilitate the proposed snowmaking infrastructure and services upgrades, trenching and excavation will be required. The proposed works will be largely located entirely within existing ski slopes and other highly disturbed areas with some minor vegetation removal required (discussed further below). Proposed trenching and construction area dimensions are as follows:

- The trench dimensions for the proposed electricity and dialog cabling is 0.6 metres wide x 0.8 metres deep. The proposed construction corridor for the trenching works is approximately three metres wide (as shown on the applicant's documentation), however has been considered as up to six metres wide in the applicants geotechnical report and biodiversity development assessment report. Considering the trenching is only to be 0.6 metres wide (less in width than the lateral trench), a three-metre construction corridor is more than adequate;
- The lateral trench is required to be approximately 0.80 metres wide x 1 metres deep. The proposed construction corridor for lateral connections is approximately 3m wide; and
- Pit dimensions are 1.64 metres long x 1.14 metres wide x 1.61 metres deep, excavation for the fan gun pits are to be approximately 1.64 metres x 1.64 metres wide with a 3 metres long x 3 metres wide x 1.6 metres deep construction footprint.

Details of proposed excavation are outlined in **Table 2**, the proposed disturbance/construction corridors are shown in **Figure 8**.

Table 2 | Areas of Excavation and Construction Areas

Development Component Excavation Dimensions	Approx. Excavation Footprint	Approx. Construction Area Footprint/Corridor
Electricity and dialog cabling – Approximately 572m in total length*	343.2m ²	3,432m ² (based on a 6m wide corridor as a worst case scenario)
Lateral connections – Approximately 102m in total length*	81.2m ²	306m ²
Fan Gun Pits x 9	242m ²	81m ²
Total:	666.2m²	3,819m² (0.38 ha)

**Length approximate as based on applicant's scaled plans*

Vegetation Removal

Vegetation removal is proposed to facilitate the installation of two (2) of the 'fan' guns, the guns are located in the upper section of the ski slope (as indicated in **Figure 8** below).



Figure 7 | Proposed construction corridors – 3m corridors show for all works (Source: Applicant's Documentation)

The first new fan pit is proposed adjacent to the existing 'lance' gun and pit (marked as 619 in **Figure 7**), requiring the removal of 9m² of native vegetation (**Figure 8**). The new pit will require a new lateral connection/trench within the ski slope area. The second proposed new pit and lateral connection further downslope (near existing 'lance' gun 617 in **Figure 7**) will require the removal of two (2) tree plantings and one (1) native shrub within a planted tree island (**Figure 9**).

The proposed works are expected to impact upon 0.0018 ha of native vegetation.



Figure 8 | One (1) new fan gun pit proposed on the edge of ski run encroach slightly upon tree island (Source: Applicant's Documentation)



Figure 9 | Two (2) Snow Gum plantings and one small shrub proposed for removal in tree island area
(Source: Applicant's Documentation)

Access and Machinery

Vehicular and machinery access to the proposed development site is to be via existing mountain summer access road(s). The Applicant provides that the following machinery, vehicles and equipment will be required to access the site:

- 4WD vehicles and utilities;
- Excavators;
- Front-end / skid-steer loader;
- Telehandler;
- Snow groomer with summer tracks;
- Utility Terrain Vehicles (UTV);
- Tipper trucks; and
- Delivery trucks.

Materials Storage

The Friday Flat coach car park will be utilised for material storage during construction (**Figure 10**).



Figure 10 | Proposed material storage area, Friday Flat coach car park (Source: Applicant's Documentation)

Stockpile Sites

Temporary stockpiles for excavated spoil will be required directly adjacent to trenching to minimise environmental disturbance. Soil will be separated so that it can be used during rehabilitation works.

The main stockpile location is located near the carpark adjacent to the Thredbo Waste Transfer Station (**Figure 11**). Access to stockpile locations will be restricted to authorised staff and contractors. Soil stockpiles will be managed in accordance with the *Soil Stockpile Guidelines for the Resort Areas of Kosciuszko National Park* (OEH 2017) (Soil Stockpile Guidelines) and proposed Site Environmental Management Plan (SEMP).



Figure 11 | Main stockpile site proposed (Source: Applicant's Documentation)

Rehabilitation Works

Progressive rehabilitation and stabilisation of disturbed areas will take place as needed and post-construction. This will be in accordance with a Rehabilitation Management Plan and undertaken in accordance with the *Rehabilitation Guidelines for the Resort Areas of Kosciuszko National Park* (NGH 2007) (Rehabilitation Guidelines).

Mountain Bike Trails

The proponent notes in the SEMP that sections of the 'Kosciuszko Flow' and 'Cannonball Downhill' mountain bike (MTB) trails traverse the proposed construction corridor (**Figure 12**). The Applicant proposes short-term diversions on to existing trails or closures will be required to manage riders when works are being carried out in this location should they take place after commencement of the season.



Figure 12 | MTB trail locations and indicative proposed works areas shown in dashed yellow outline. Black trail is 'Cannonball Downhill', blue is 'Kosciuszko Flow' and (Source: Thredbo Alpine Resort, 2023)

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 and the issues raised in submissions. 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.

Supporting documents 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

The relevant strategic planning framework identifying the strategic context of the alpine resorts are considered and addressed below.

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 to be consistent with the Regional Plan as it would improve resort operations through enabling the opening of the Thredbo Alpine Resort earlier in the ski seasons and more consistently in marginal conditions.

This in turn leads to increased economic activity in the locality and more broadly across the region. The proposal has also considered potential impacts on the unique alpine environment through locating works in a manner to avoid, minimise and mitigate potential impacts. To offset identified unavoidable impacts, biodiversity credits will be required (see **Section 4** below).

Snowy Mountains Special Activation Precinct Master Plan

Section 9.1.1 of the Master Plan relates to Thredbo. The proposal is consistent with the Master Plan as the works help improve and maintain the extensive ski trail network that sustains the Alpine Precinct as key destination for visitors. The works support ski activities without causing significant unacceptable impacts on the environmental, cultural and landscape attributes of Thredbo.

Precincts - Regional SEPP

The proposal is consistent with Chapter 4 of the Precincts - Regional SEPP, where the development contributes to the recreation facilities available in the Resort, in turn supporting regional tourism. Works will be undertaken in a way that has due regard to the alpine environment and the conservation and restoration of ecological processes, natural systems and biodiversity. Disturbance to the site will be largely contained within existing roads, ski fields and existing disturbed areas, with measures in place to mitigate adverse impacts on the environment. The proposal has sought to avoid, minimise and mitigate environmental impacts and determined that biodiversity credits are required to offset unavoidable impacts to vegetation and fauna habitats. This would be enforced via conditions of any subsequent development consent issued.

Under the provisions of section 4.27 of the 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 KNP. NPWS have recommended conditions to prevent adverse impacts on the natural or cultural environment.

Draft South East and Tableland Regional Plan 2041

The draft plan was publicly exhibited from 8 August 2022 until 23 September 2022. The draft plan underwent extensive consultation with the community and stakeholders with feedback incorporated into an updated version of the draft plan that was re-exhibited from 9 December 2022 to 31 January 2023. The draft plan identifies the alpine areas as provides important biodiversity to the region and acknowledges the alpine area's contribution to the region's tourism economy.

The proposal is consistent with the draft Regional Plan as potential biodiversity impacts have been considered and assessed, with the works proposed enhancing skiable terrain in the Thredbo Alpine Resort. This supports the maintenance of visitation to the resort, along with the local and regional economy.

2.2 Permissibility

The proposal includes the installation of new 'snow-making infrastructure' and ancillary works, consistent with the definition of 'snow-making infrastructure' as defined in Chapter 4 of *State Environmental Planning Policy (Precincts – Regional) 2021* (the Precincts - Regional SEPP).

Pursuant to clause 4.7 of the Precincts - Regional SEPP, 'snow-making infrastructure' is permissible with consent within the 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) <i>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,</i>	<p>The proposal supports the ongoing use of the skiable terrain through improving snow making infrastructure.</p> <p>The construction impacts will be largely confined to existing road, ski trails and disturbed areas on the site.</p> <p>The Biodiversity Development Assessment Report (BDAR) submitted with the application (as amended), outlines the measures taken to avoid, minimise and mitigate impacts to the environmental. Where determined appropriate, unavoidable impacts are proposed to be offset through ecosystem and species credits.</p>
(b) <i>to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,</i>	<p>The proposal's impacts on environment have been assessed, with residual with unavoidable impacts to the vegetation and fauna habitats present within the proposed development footprint proposed to be offset via biodiversity credits (discussed further in this report). The proposal in general will otherwise be largely confined to existing road, ski trails and disturbed areas on the site.</p>

	<p>The socio-economic outcomes of the works are generally expected to be positive. Mitigation measures during construction have been included in the recommended conditions of consent should the proposal be determined by way of approval.</p>
<p><i>(c) to promote the orderly and economic use and development of land,</i></p>	<p>The development seeks approval for works that upgrade snowmaking facilities in the Resort. This will contribute to greater visitor amenity, supporting Alpine Resort visitation for winter and summer sports and tourism, thereby promoting the ongoing economic use of the land.</p>
<p><i>(d) to promote the delivery and maintenance of affordable housing,</i></p>	<p>Not applicable to this proposal.</p>
<p><i>(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,</i></p>	<p>The proposed development has been located to take advantage of existing disturbed areas and minimise the required clearing. As a result, it is anticipated that the proposal will involve the clearing or further modification of only 0.0018 ha of native vegetation.</p> <p>The BDAR submitted with the application (as amended), provides that biodiversity credits are required to offset the unavoidable impacts to the vegetation and fauna habitats present within the proposed development footprint. Should consent be granted, a number of measures proposed to mitigate and managing impacts as per the BDAR would be enforced via conditions of consent.</p> <p>Serious and Irreversible Impact (SII) values have been considered as part of the proposal's BDAR with it being determined that the proposal will not result in any SII.</p> <p>Further the proposal has been found to unlikely to have a significant impact on Matters of National Environmental Significance (MNES) or Commonwealth land (see Section 4 further in this report).</p>
<p><i>(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),</i></p>	<p>The site is not in proximity to an area or item of built heritage. Given that the proposed works are surrounded by an area of archaeological sensitivity, construction equipment will be required to remain on existing access tracks, except in the specific area of proposed works which is not an area of archaeological sensitivity. The development is considered to be unlikely to result in any adverse impacts upon an area of Aboriginal cultural heritage (see Table 3 and Section 4.3 further in this report).</p>

<i>(g) to promote good design and amenity of the built environment,</i>	The proposed works are related to snowmaking infrastructure and subterranean services. There are no impacts arising on the built environment or its amenity.
<i>(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,</i>	The Department has recommended conditions of consent (should consent be granted) to ensure the proposal is undertaken in accordance with legislation, guidelines, policies and procedures to provide for the health and safety of occupants of the structure (refer to Appendix A).
<i>(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,</i>	The Department consulted with relevant government agencies and considered their responses (refer to Section 3 and Section 4).
<i>(j) to provide increased opportunity for community participation in environmental planning and assessment.</i>	The proposal was publicly exhibited in accordance with the Department's Community Participation Plan (refer to Section 3).

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	The application satisfactorily meets the relevant requirements of the EP&A Regulation, particularly the procedures relating to development applications (Part 3 and Part 4) and fees (Part 13 and Schedule 4).

	<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>
(b) the likely impacts of that development	<p>The Department has considered the impacts of the proposed development. Impacts on the built environmental are zero, with the proposal considered to generally have positive economic and social impacts while the environmental and cultural values of the site and locality will be maintained (see Section 4 further in this report).</p>
(c) the suitability of the site for the development,	<p>There are two (2) key questions to be considered in site suitability:</p> <ol style="list-style-type: none"> <i>1. Does the proposal fit the locality?</i> <p>The proposal directly supports the ongoing use of the locality as a ski field and associated land uses in Thredbo.</p> <ol style="list-style-type: none"> <i>2. Is the site itself suitable for the particular development?</i> <p>The proposal seeks to make improvements to existing ski infrastructure and resort services with environmental impacts arising able to be avoided, mitigated and managed with biodiversity offsetting proposed to address residual impacts.</p> <p>Overall, the site is suitable for the development and supports the ongoing safe operation of the ski slopes and surrounding snow-based winter activities in the resort.</p>
(d) any submissions made in accordance with this Act or the regulations,	<p>Consideration has been given to agency discussions during the assessment of the application. See Section 4 of this report.</p>
(e) the public interest.	<p>The works are consistent with the aim and objectives of Chapter 4 of the Precincts - Regional SEPP. The upgrading and improvement of snowmaking facilities is intended to support the ongoing winter snow sports and tourism in the locality. The proposal is appropriate as it will not expose the community to environmental hazards and will have an acceptable impact on the environment.</p> <p>As such, the proposal is not considered to be prejudicial to the public interest.</p>

Environmental Planning Instruments

State Environmental Planning Policy (Precincts - Regional) 2021 (Precincts - Regional SEPP) is the principal EPI applicable to the proposed development. Consideration of the relevant provisions to the proposal within Chapter 4 of the Precincts - Regional SEPP is provided in **Table 3**.

The Applicant provides that there are no records of contamination within the site. There are no further matters under *State Environmental Planning Policy (Resilience and Hazards) 2021* that need to be considered.

Table 3 | Precincts - Regional SEPP, Chapter 4 considerations

Chapter 4 - Precincts - Regional SEPP - Kosciusko Alpine Region	
Section 4.9 Demolition	
The demolition of a building or work on land in the Alpine Region	The proposal does not relate to the demolition of a building or the demolition of work/s on land.
Section 4.21 Heritage conservation	
European heritage	The proposal would not impact on any European heritage items.
Aboriginal heritage	Areas of archaeological sensitivity are known to be located near the work site. The measures to protect Aboriginal cultural heritage have been considered further in Section 4 of this report.
Section 4.24 Flood planning	
Development on land in the flood planning area	The site is not located in a flood planning area and is not subject to flooding.
Section 4.25 Earthworks	
Impact of earthworks	<p>Proposed earthworks are required for trenching and excavation for electricity and dialogue cabling, lateral connections and fan gun pits, as detailed in Section 1.3 of this report.</p> <p>The geotechnical assessment accompanying the application provides that the proposed works will have minimal or no geotechnical impact on the site, based on the relatively shallow depths of excavation required, the lack of obvious signs of hillside instability observed or expected and anticipated subsurface conditions. Conditions of any subsequent consent will ensure works are undertaken with recommendations of the geotechnical assessment.</p>

Temporary stockpile area will be located directly adjacent to the works/trenches within the construction corridor. Soil will be separated so that it can be used during rehabilitation works. The main stockpile location is located near the carpark adjacent to the Thredbo Waste Transfer Station.

Accordingly, the Department considers that the earthworks proposed are unlikely to cause the disruption to, or adverse impact on, drainage patterns or soil stability in the locality of the development. Works will be undertaken to avoid impacts on the environment and the amenity of any park users while supporting the current use of the land.

A condition of any subsequent consent will also require appropriate sedimentation and erosion control measures to be in place in accordance with the NPWS Guidelines.

Section 4.27 Consultation with National Parks and Wildlife Service

Consult with, and consider submissions from, the NPWS

The proposal was referred to the NPWS and comments were received. Refer to consideration of the NPWS referral comments in **Section 3** of this report.

Section 4.28(1) – Consideration of master plans and other documents

(a) the aim and objectives of this policy, as set out in section 4.1

Refer to above comments.

(b) a draft development control plan that is intended to apply to the land and has been published on the NSW planning portal

The Draft Alpine Precinct Development Control Plan is currently on exhibition between 17 November 2023 and 20 December 2023.

At the time of exhibition of the Draft DCP, the Department notes that Section 4.28(1)(b) was repealed.

No additional discussion therefore required.

(repealed in November 2023)

(c) a conservation agreement under the *Environment Protection and Biodiversity Act 1999* of the Commonwealth that applies to the land,

Not applicable to the development.

(d) the <i>Geotechnical Policy -Kosciuszko Alpine Resorts</i> published by the Department in November 2003,	<p>The site is within the 'G' zone identified on the Department's Geotechnical Policy Map.</p> <p>In accordance with the Policy a Geotechnical Assessment has been provided with the application, together with a Form 4 to certify that the development relates to minor construction works which present minimal or no geotechnical impact on the site.</p> <p>Geotechnical considerations have been adequately assessed by the Applicant and recommendations are provided prior to construction and during works.</p>
<p>(e) for development in the Perisher Range Alpine Resort—</p> <p>(i) the Perisher Range Resorts Master Plan, published by the National Parks and Wildlife Service in November 2001 and</p> <p>(ii) the Perisher Blue Ski Resort Ski Slope Master Plan adopted by the National Parks and Wildlife Service in May 2002.</p>	Not applicable, as site is located within Thredbo Alpine Resort.

Section 4.29 Consideration of environmental, geotechnical and other matters

Under section 4.29(1) - In deciding whether to grant development consent to development in the Alpine Region, the consent authority must consider the following -

(a) measures proposed to address geotechnical issues relating to the development,	The geotechnical assessment provided with the application confirms that the proposed works will have minimal geotechnical impact on the site, concluding that the site is geotechnically suitable for the proposed development. Conditions of any subsequent development consent will ensure recommendations from the assessment are incorporated into the development.
(b) the extent to which the development will achieve an appropriate balance between -	The BDAR submitted with the application outlines the measures taken by the proposal to avoid, minimise and mitigate impacts to the vegetation and habitats present within the development footprint during the design, construction and operation of the proposed development. A relatively small area of native vegetation will be

<p>(i) the conservation of the natural environment, and</p> <p>(ii) taking measures to mitigate environmental hazards, including geotechnical hazards, bush fires and flooding,</p>	<p>impacted by the proposal, the BDAR confirms that this unavoidable impact arising is to be offset via one (1) ecosystem credit and two (2) species credits.</p> <p>Conditions of any subsequent consent issued would ensure biodiversity credits are retired and that measures proposed within the BDAR to mitigate and manage, direct and indirect impacts at the development site before, during and after construction are adopted.</p> <p>The land is not subject to flooding. No measures to protect against bushfire are required. The land is identified as being in an area of geotechnical sensitivity, and the works have been assessed as minor.</p> <p>Natural hazards have been adequately addressed.</p>
<p>(c) the visual impact of the proposed development, particularly when viewed from the land identified as the Main Range Management Unit in the Kosciuszko National Park Plan of Management,</p>	<p>The visual impact of the development is considered to be negligible and will not be visible from the Main Range Management unit, as also confirmed by NPWS in their consideration of the proposal.</p>
<p>(d) the cumulative impacts of development and resource use on the environment of the Alpine Subregion in which the development is carried out,</p>	<p>The proposal will not result in adverse cumulative impacts. The proposed development will not result in any changes to resource use or impact the service and waste systems and facilities in place to support development and visitor patronage of facilities in the Alpine resorts.</p>
<p>(e) the capacity of existing infrastructure and services for transport to and within the Alpine Region to deal with additional usage generated by the development, including in peak periods,</p>	<p>The proposal does not directly generate additional patronage/usage within the Resort, rather it will allow for the continued use of existing skiable terrain during the winter season and adequately serviced facilities.</p>
<p>(f) the capacity of existing waste or resource management facilities</p>	<p>The project will involve the generation of minimal construction waste and will not generate ongoing operational waste by the development.</p>

to deal with additional waste generated by the development, including in peak periods.

The capacity of existing waste facilities to deal with any waste from the project is considered adequate.

Under section 4.29(2) - For development involving earthworks or stormwater draining works, the consent authority must also consider -

Measures to mitigate adverse impacts associated with the works

Onsite stormwater drainage works are not proposed as part of the application. No negative impacts to stormwater are anticipated due to the nature and location of the proposed works.

Measures to mitigate the adverse impacts of the earthworks have been considered previously and are detailed further in **Section 4** of this report. The impacts are considered to be acceptable.

Under section 4.29(3) - For development the consent authority considers will significantly alter the character of an Alpine Subregion, the consent authority must also consider -

(a) the existing character of the site and immediate surroundings, and

The development will not significantly alter the character of an Alpine Subregion, or the character of the site and immediate surroundings.

(b) how the development will relate to the Alpine Subregion.

As above.

Section 4.30 Kosciuszko National Park Plan of Management

Consistency between the development and the Kosciuszko National Park Plan of Management

The Department is satisfied that approval of the proposal would not be inconsistent with the KNP PoM.

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 proposal works have been developed having regard to ESD principles, in accordance with the objects of the EP&A Act as follows:

- the proposal is not expected to adversely impact upon the health, diversity, or productivity of the environment for future generations,
- works are primarily limited to excavating within previously disturbed areas,

- measures taken to avoid, minimise and mitigate impacts to the vegetation and habitats present within the development footprint during the design, construction and operation of the proposal have been incorporated into the proposal and where residual unavailable impacts are arising, the impacts have been assessed as being able to be offset, with no SAI arising; and
- the proposal does not impact upon cultural heritage, including Aboriginal cultural heritage.

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.

In the majority, the proposed earthworks are not located within an area mapped on the BVM, however as previously discussed throughout this report, a small area of native vegetation within an area mapped on BVM will be impacted by the proposed works. This will trigger the BOS. **Section 4** of this report addresses biodiversity impacts and the application of the BOS.

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

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 to be exhibited for a period of fourteen (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 fifty (50) metres away from a tourist accommodation building.

Due to the works being located within 50 metres from a tourist accommodation building, the Department publicly exhibited the application to the affected lodges between 15 September 2023 to 28 September 2023 and made the application publicly available on the NSW Planning Portal.

The application was forwarded to the NPWS pursuant to section 4.27 of Chapter 4 of the Precincts – Regional SEPP.

3.2 Summary of submissions

No public submissions were received.

The Department received comments from the NPWS. The NPWS provided comments and recommended conditions relating to site environmental management measures to be undertaken on site for protection of the natural environment, including rehabilitation management.

As part of NPWS comments, recommendations were made regarding the applicants Site and Environmental Management Plan (SEMP). Specifically, NPWS requested minor updates relating to fauna protection measures and the need for a map outlining the proposed construction corridor and no-go/no clearing zones to reflect proposed mitigation measures.

A revised SEM (including a revised ESCP) was provided by the applicant (dated 12.10.2023) which was provided to NPWS who subsequently confirmed their comments had been addressed.

With regard to the BDAR accompanying the application, NPWS noted consideration of the BC Act, concurred that the BOS applied to the proposal and generally agreed with the assessment provided. However, NPWS noted that the BDAR must be updated to including the following points:

- The BDAR must detail the footprint of all the proposed works to be undertaken on the subject site and provide a map. If any of the proposed works are excluded from assessment, a justification must be provided.
- The potential presence and impacts to the Eastern Pygmy Possum (*Cercartetus nanus*), which is known to occur in the area and is listed as vulnerable under the BC Act, must be addressed in the BDAR and any potential mitigation actions must be detailed.

A revised BDAR, dated 17/10/2023 was received by the Department on 17/10/2023 and provided to NPWS. On 24/10/2023, NPWS confirmed that the revised BDAR had addressed the above points.

The Department has considered the comments received from the NPWS in **Section 4** and 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:

- Managing construction impacts,
- MTB Trail and Nature Track Diversions,
- Protecting Aboriginal cultural heritage,
- Biodiversity, and
- Infrastructure services and layout.

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

4.1 Managing construction impacts

Other than the areas shown in **Figure 13** below, the construction activities are not anticipated to cause disturbance to native vegetation. A relatively small amount of native vegetation removal is proposed to facilitate the installation of two (2) snowmaking 'fan' guns, the guns are located in the upper section of the ski slope.

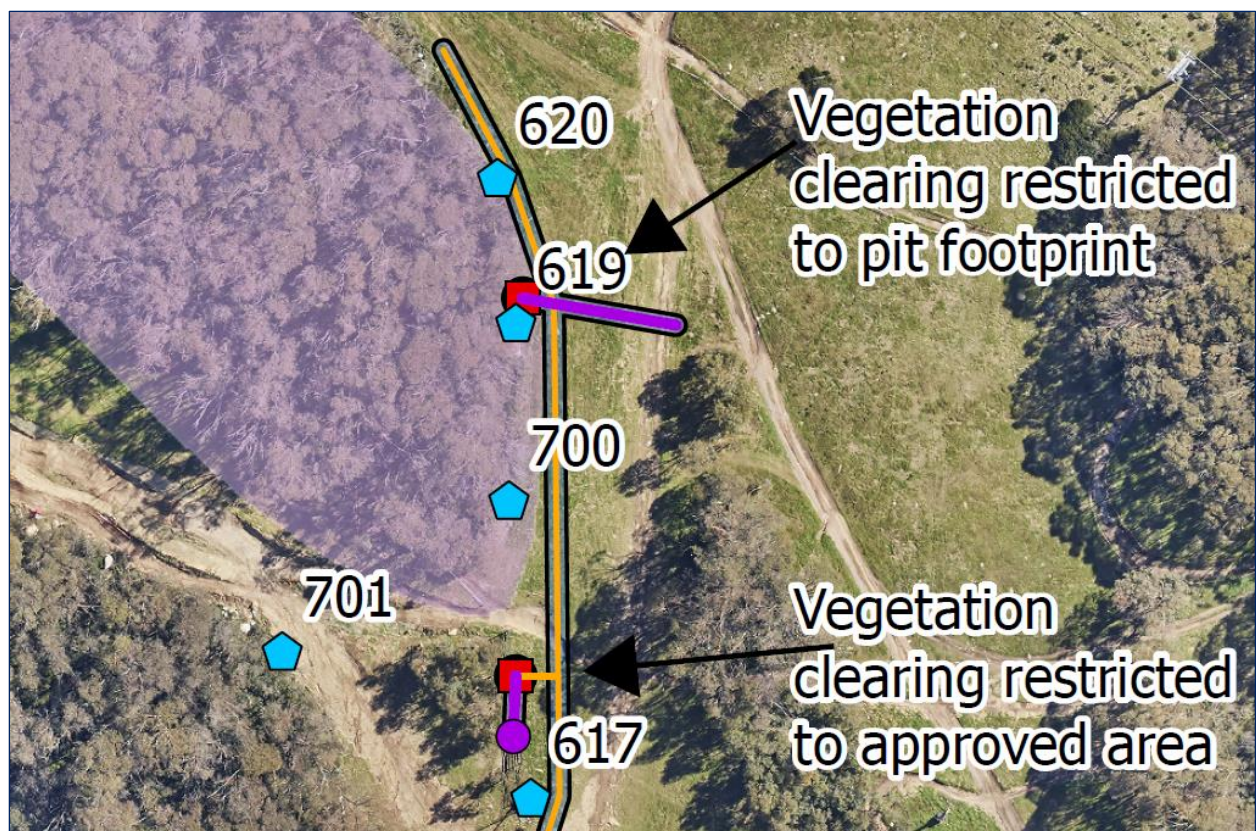


Figure 13 | BVM and area of works and construction corridor intersecting (Source: Applicant's documentation)

Whilst the majority of works will not take place within BVM area, one (1) new fan pit is proposed adjacent to the existing 'lance' gun and pit marked as 619 in **Figure 13**, requiring the removal of 9m² of native

vegetation. The new pit will require a new lateral connection/trench within the ski slope area. The second proposed new pit and lateral connection further downslope near existing 'lance' gun 617, will require the removal of two (2) tree plantings and one native shrub within a planted tree island that is not within the BVM. Overall, the proposed works are expected to impact upon 0.0018 ha of native vegetation.

The NPWS consideration of the proposal and did not raise any objections to the development, however they have recommended specific conditions to manage construction impacts relating to the need for a rehabilitation management plan to be prepared.

The Department has applied construction conditions relevant to the Alpine area along with recommended conditions from NPWS having regard to activities such as erosion and sedimentation measures and avoiding impacts to any Aboriginal items if they are detected during construction.

The Applicant will also be required to follow the revised Site Environmental Management Plan (reviewed by NPWS) and the applied conditions of consent to protect the environment during works.

Subject to compliance with the conditions, the Department considers that the proposed construction impacts are acceptable.

4.2 MTB Trail Diversions

The proponent notes in the SEMP that sections of the 'Kosciuszko Flow' and 'Cannonball Downhill' mountain bike (MTB) trails traverse the upper section of the construction corridor (see **Figure 12** previously). Short-term diversions onto existing trails or closures will be required to manage riders when works are being carried out in this location.

Conditions of any subsequent consent with ensure adequate delineation of temporary MTB trail closures and diversions are provided, and that diversions to not impact upon the environment.

4.3 Protecting Aboriginal cultural heritage

The NPWS reviewed the documentation provided with the application and found the Applicants due diligence process to be suitable. NPWS agree with the applicant's assessment that the potential for impacts to Aboriginal Cultural Heritage is unlikely as works proposed are within previously disturbed areas of the Resort.

A condition of any subsequent consent will be applied requiring that, should any Aboriginal objects be uncovered during activities on the site, all works must cease immediately and the NPWS contacted for assessment of the site.

The Department concludes that subject to compliance with the conditions of consent, the proposal has demonstrated due diligence and is satisfactory in relation to minimising impacts on Aboriginal cultural heritage.

4.4 Biodiversity

The proposed works will largely not affect areas mapped within the BVM as defined in the NSW *Biodiversity Conservation Regulation 2017*, except for one (1) proposed snowmaking 'fan' gun that will impact a small area of vegetation within the BVM.

Adjacent to existing 'lance' gun 619 (**Figure 13**), a proposed new 'fan' gun will require the removal of 9m² of native vegetation within the BVM. A second proposed new 'fan' gun, pit and lateral connection further

downslope (near existing 'lance' gun 617 in **Figure 13**) will require the removal of two (2) tree plantings and one native shrub within a planted tree island. This area however is not within the BVM.

The applicant's BDAR (as revised to address NPWS comments – see **Section 3**) outlines the proposal has been designed to avoid and minimise direct and indirect impacts. This has involved:

- Locating the proposed works predominately in disturbed areas.
- Minimising the disturbance footprint associated with construction.
- Using low impact construction methods.
- Undertaking post construction rehabilitation.

The BDAR provides that development footprint supports one (1) Plant Community Type (PCT) '*PCT 3381 Kosciuszko Alpine Sally Woodland*' in one condition state; '*good*'. The PCT does not conform to any Endangered Ecological Communities (EEC) listed under the BC Act or the *Commonwealth Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). The BDAR also states that one (1) threatened fauna species, the Broad-toothed Rat, was considered likely to occur within the development site, the Eastern Pygmy-possum was also assumed to be present. Several other threatened fauna species are known to occur in adjoining habitats and/or have the potential to occur within the development site, such as the Flame Robin.

The direct impacts associated with the proposed development are on PCT 3381, the Broad-toothed Rat and the Eastern Pygmy-possum. Accordingly, the BDAR has calculated that one (1) ecosystem credit (for impacts to PCT 3381) and two (2) species credits (for impacts associated with the Broad-toothed Rat and the Eastern Pygmy-possum) are required. Conditions of any subsequent consent issued will enforce the transfer and/or purchase of the required credits.

Measures proposed to mitigate and manage impacts at the development site before, during and after construction are outlined in the BDAR and can be enforced via conditions of any subsequent development consent issued.

Given the nature of the proposed development, and the proposed mitigation measures, indirect impacts (in the form of increased light and wind penetration) are only anticipated by the BDAR to extend a maximum of 5m into vegetation surrounding the proposed development site.

The BDAR concludes that:

- This BDAR outlines the measures taken to avoid, minimise and mitigate impacts to the vegetation and habitats present within the development footprint during the design, construction and operation of the development. The residual unavoidable impacts of the proposed development were calculated in accordance with the BAM (Biodiversity Assessment Method) by utilising the BAMC (BAM Calculator). The BAMC calculated that a total of one (1) ecosystem credit and two (2) species credits are required to offset the unavoidable impacts to the vegetation and fauna habitats present within the development footprint.
- The proposal will not result in any SAIL.
- Following consideration of the administrative guidelines for determining significance under the EPBC Act, it is concluded that the proposal is unlikely to have a significant impact on MNES or Commonwealth land, and a referral to the Commonwealth Environment Minister is therefore not recommended.

The Department is satisfied that that biodiversity impacts arising from the proposal have been adequately considered and that the BOS applies to the proposal. The proposed development has incorporated appropriate measures to avoid, minimise and mitigate biodiversity impacts, with residual impacts found to be able to be offset through biodiversity credits.

4.5 Infrastructure and Services Layout

The proposed development will improve snowmaking infrastructure within the Resort through the provision of electricity and dialogue cabling services and installation of new snowmaking pits and guns.

The layout of the proposed works largely follows existing disturbed terrain and utilises existing mains and services to connect into and minimise ground disturbance.

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:

- the impacts of the development on the environment have been appropriately avoided, managed and mitigated, with assessed residual impacts to be offset via biodiversity credits. Construction impacts on the surrounding environment will be minimised through adoption of conditions of consent
- the cultural values of KNP will be appropriately protected through due diligence being exercised in developing and undertaking the proposed works to minimise impacts on Aboriginal cultural heritage
- the works are acceptable to enhance visitor amenity within Thredbo Alpine Resort for the continued visitor enjoyment of snow-based Alpine activities, supporting economic viability of the resort

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 Principal Planning Officer, Alpine Resorts Team may determine the application as:

- no reportable political donation has been disclosed,
- there are less than fifteen (15) public submissions in which objection to the proposal has been raised,
- the application is in relation to land to which Chapter 4 of the Precincts - Regional SEPP applies.

It is recommended that the Principal Planning Officer, Alpine Resorts Team, as delegate of the Minister for Planning:

- **considers** the findings and recommendations of this report
- **accepts** and adopts 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 23/12108, subject to the recommended conditions
- **signs** the attached Development Consent (**Appendix A**).

Prepared by: Consultant Planner

Recommended by:



Zac Derbyshire
Planning Officer
Alpine Resorts Team

Adopted by:



Mark Brown
Principal Planning Officer
Alpine Resorts Team
as delegate of the Minister for Planning

6 December 2023

Appendices

Appendix A – Recommended Instrument of Consent