



Black Sallees to Kareela Hutte - Snowmaking Infrastructure and Services Upgrades, Thredbo

Development Application Assessment
DA 23/12342

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Cover image: *Main Range, Kosciuszko National Park (Source: Alpine Resorts Team)*

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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, Housing and Infrastructure
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, Housing and Infrastructure
SEPP	State Environmental Planning Policy

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1 Introduction

1.1 Summary of Proposal

This report details the assessment of Development Application (DA 23/12342) which Kosciuszko Thredbo Pty Ltd (the Applicant) seeks approval for snowmaking infrastructure and services upgrades on the ski slopes of Thredbo Alpine Resort within Kosciuszko National Park (KNP).

The proposed cost of works is \$693,367.

The land to which the proposal relates is legally described as Lot 876, in Deposited Plan (DP) 1243112, Lot 853 in DP1119757 and Lot 863 in DP1119757 (**Figure 1** and **Figure 2**).

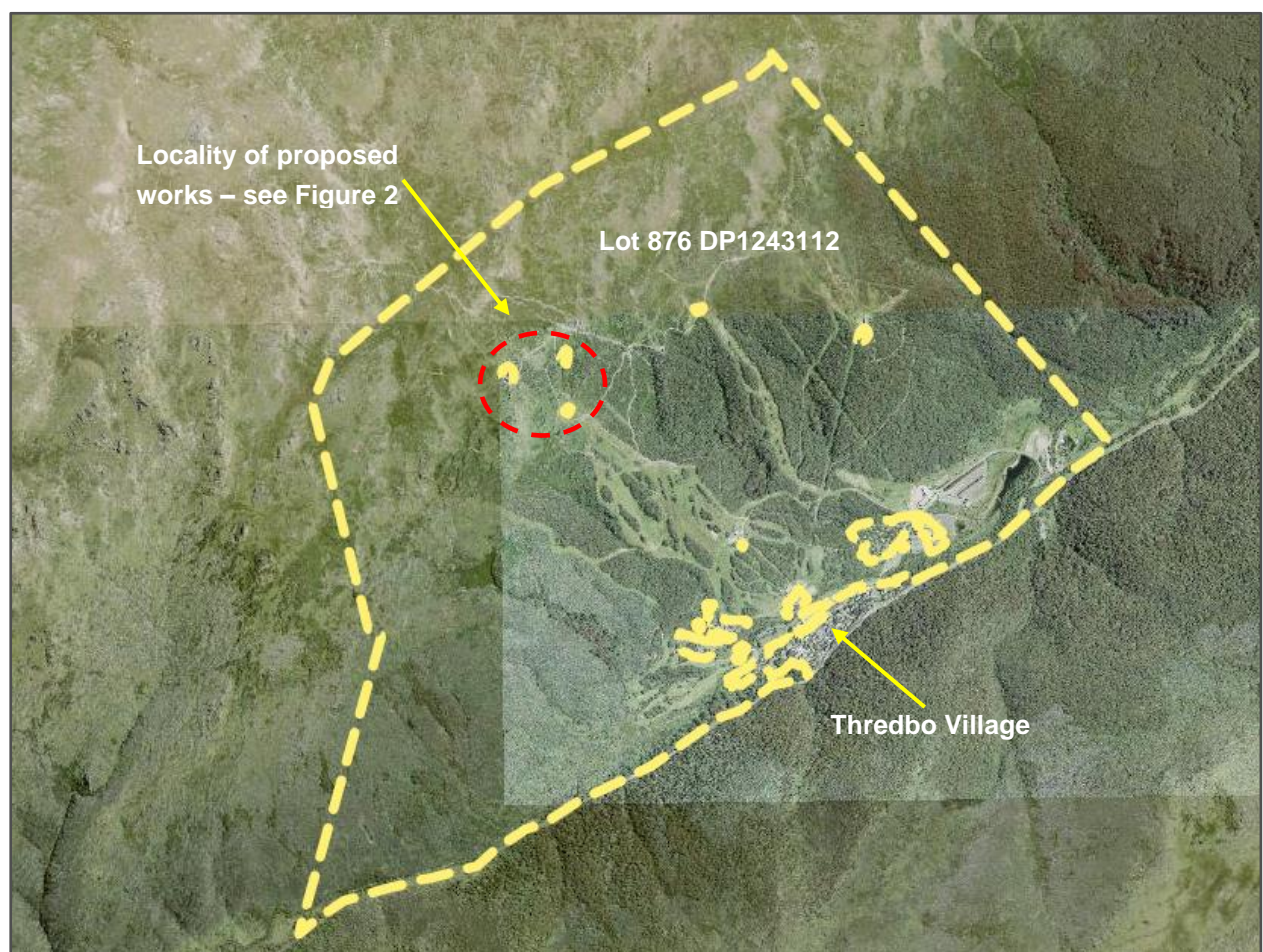


Figure 1 | Locality of proposed development in context of Thredbo Alpine Resort and surrounding areas
(Source: ePlanning Spatial Viewer 2023, with Department annotations)

1.2 Site Context

The site is located within the Thredbo Alpine 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 1.7km north-west of Thredbo Village, located between 'Black Sallees' restaurant (adjacent to the 'Snowgums' chairlift top station), and 'Kareela Hutte' restaurant (Figure 2). Works are generally proposed within the upper 'Village Trail' ski run area (Figure 3).

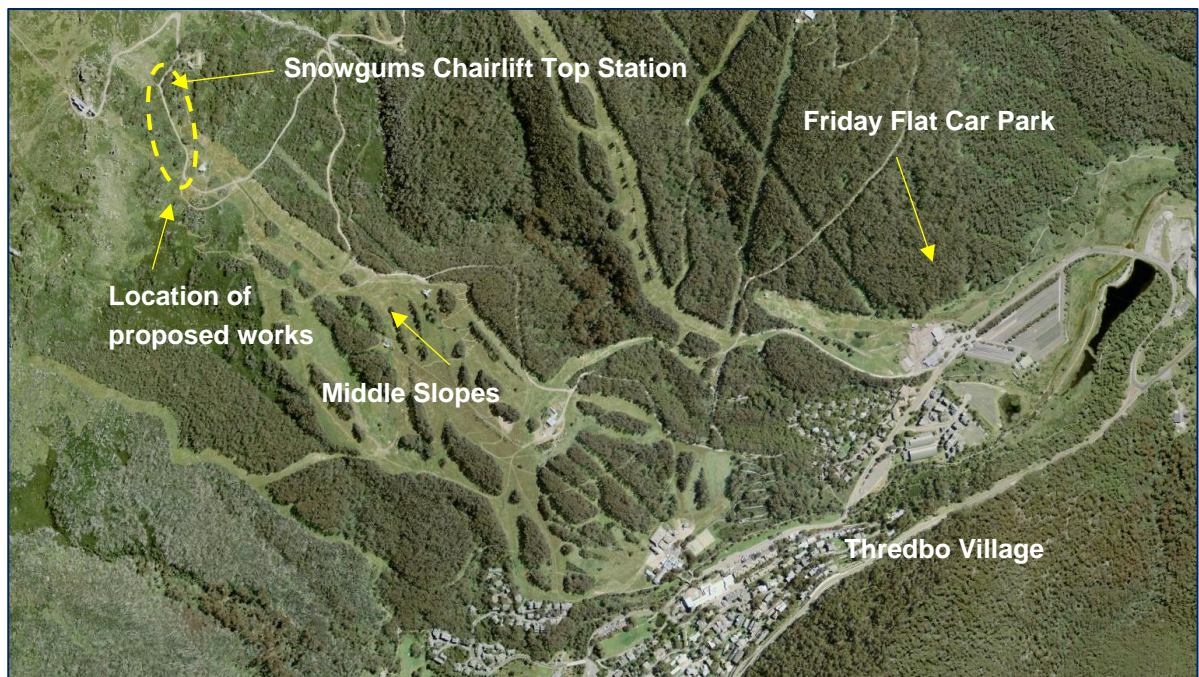


Figure 2 | Location image (Source: Six Maps 2024 with annotations by the Department)



Figure 3 | Indicative area of proposed works shown in yellow dashed area (Source: Applicant's Documentation with Department annotations showing existing buildings)

The Applicant comments that the proposed works will be located entirely within existing roads, ski slopes and other highly disturbed areas. In addition, the proposal co-locates both the snowmaking mains and services within the one single trench and therefore single disturbance corridor. The proposed works also take advantage of existing disturbed areas and existing infrastructure, particularly existing hydrant locations.

Impacts on vegetation will be limited to a few shrubs and groundcovers that are scattered amongst the exotic grassland that characterises the disturbance footprint. Direct impacts arising from the proposal are expected to affect less than 10 m² of already highly disturbed native vegetation.

An existing summer access road provides vehicular access to both restaurants and the Snowgums chairlift top station. Within the works area around the Snowgums chairlift top station is the commencement of the Flow mountain bike trail, which traverses from this point to Valley Terminal at the bottom of the ski slope.

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 gun), or 'fan' type guns, which utilise in-built air compressors, needing only water and electricity services.

The existing snowmaking system within the area of the site comprises of 11 manual hydrant points with three (3) 'lance' type snowmaking guns (adjacent to three (3) hydrants).

The proposal seeks to replace existing snowmaking mains between the Snowgums Chairlift top station and Kareela Hutte restaurant (generally located along the Village Trail ski run). The works will also include the replacement/upgrading of hydrants, new hydrants, new lance guns and new lateral connections from the proposed mains (**Figure 4**).

The proposed snowmaking infrastructure works comprise of the following components:

Snowmaking and Combined Services Works:

Existing air and water mains used for snowmaking operations will be replaced with new mains which will connect into the Resort's existing snowmaking mains system. The mains will be 300mm in diameter for air and 250mm in diameter for water. The snowmaking mains will be located within a combined services trench (additional services are discussed further below) for a distance of approximately 225 metres, which will also include new:

- Electricity and communications cabling/services,
- Water main pipeline, and
- Gravity sewer main pipeline.

It was confirmed with the Applicant that redundant mains will be left in-situ (where not able to be excavated as a result of the proposed works), to ensure minimal ground disturbance.

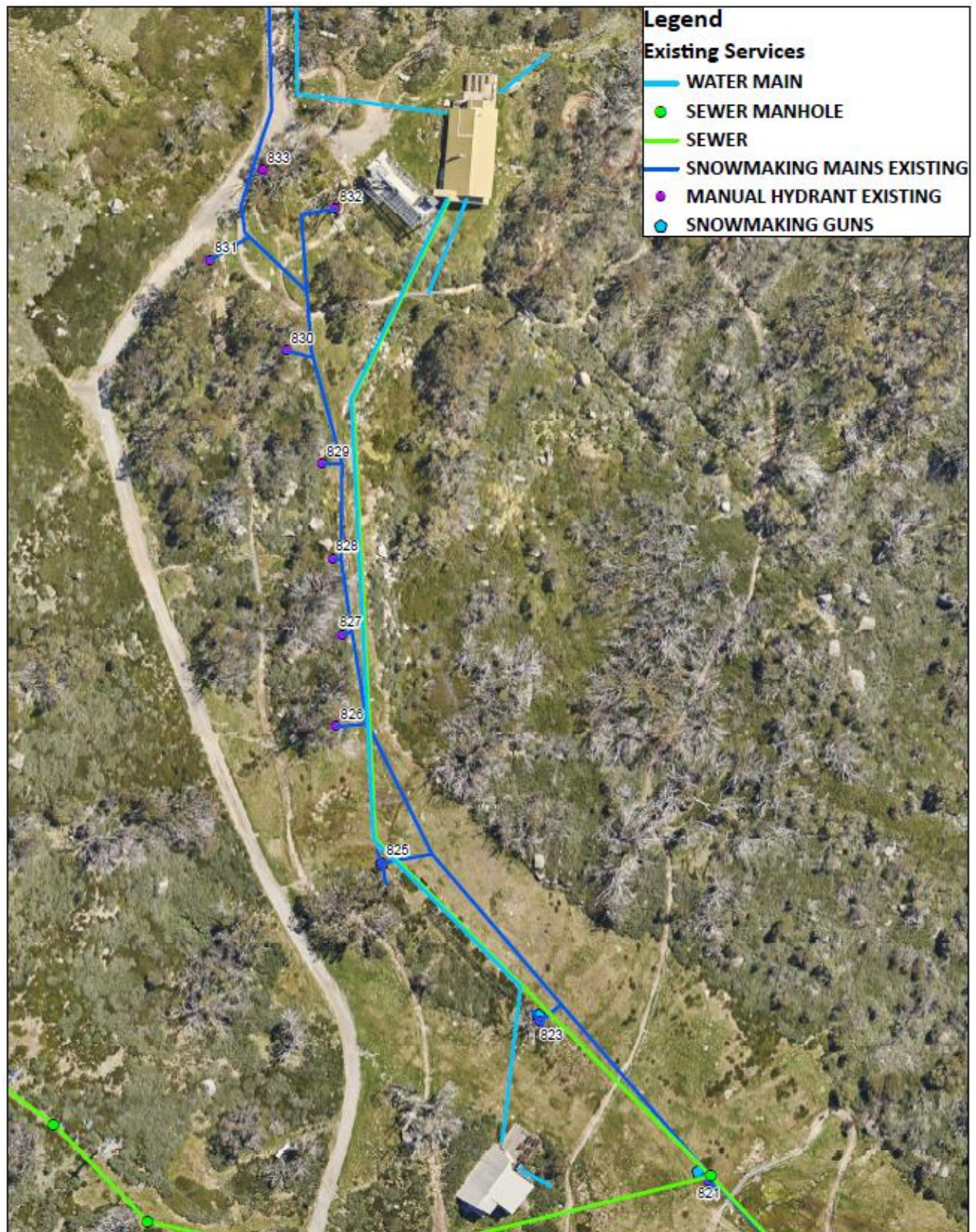


Figure 4 | Village trail area showing existing snowmaking and services infrastructure (Source: Applicant's Documentation)

Hydrants and Snowmaking Guns:

Proposed hydrant works include upgrading/replacement of existing manual hydrants, installation of new manual hydrants and the installation of new automatic pits with lance guns, as summarised in **Table 1** below:

Table 1 | Proposed Hydrant/Snow Gun Works

Hydrant/Snow Gun reference per Figure 4	Proposed Works
Not numbered (proposed adjacent to existing gas tank)	New double hydrant, to be connected to existing mains
833	Existing manual hydrant to remain
832	Existing manual hydrant to remain
831	New double hydrant proposed, adjacent to existing hydrant
830	Existing manual hydrant to remain
829	Existing manual hydrant to remain
828	Existing manual hydrant to remain
827	Existing manual hydrant to remain
826	Existing manual hydrant removed, replaced with new automatic pit and lance gun to south-west of current hydrant location
825	Existing manual hydrant to remain
824	New automatic pit and lance
823	Existing manual hydrant to remain New automatic pit and replacement of existing lance gun
821	Existing manual hydrant adjacent to existing sewer manhole to remain

The proposed new automatic pits are largely subterranean, with pit entrance/access hatches and lance gun connection points to be above ground level. The pits have the following dimensions:

- 1.15 metres x 1.15 metres (base footprint)
- 1.392 metres deep (from bottom of pit to entrance/access hatch).

Lateral connections:

New lateral connections from the proposed new mains to the hydrant points and automatic pits entails two (2) pipes (air and water), both 50mm in diameter and a dialog and electrical cable. To total combined length of lateral connections is approximately 66 metres.

Lateral connections proposed can be seen in **(Figure 5)**.

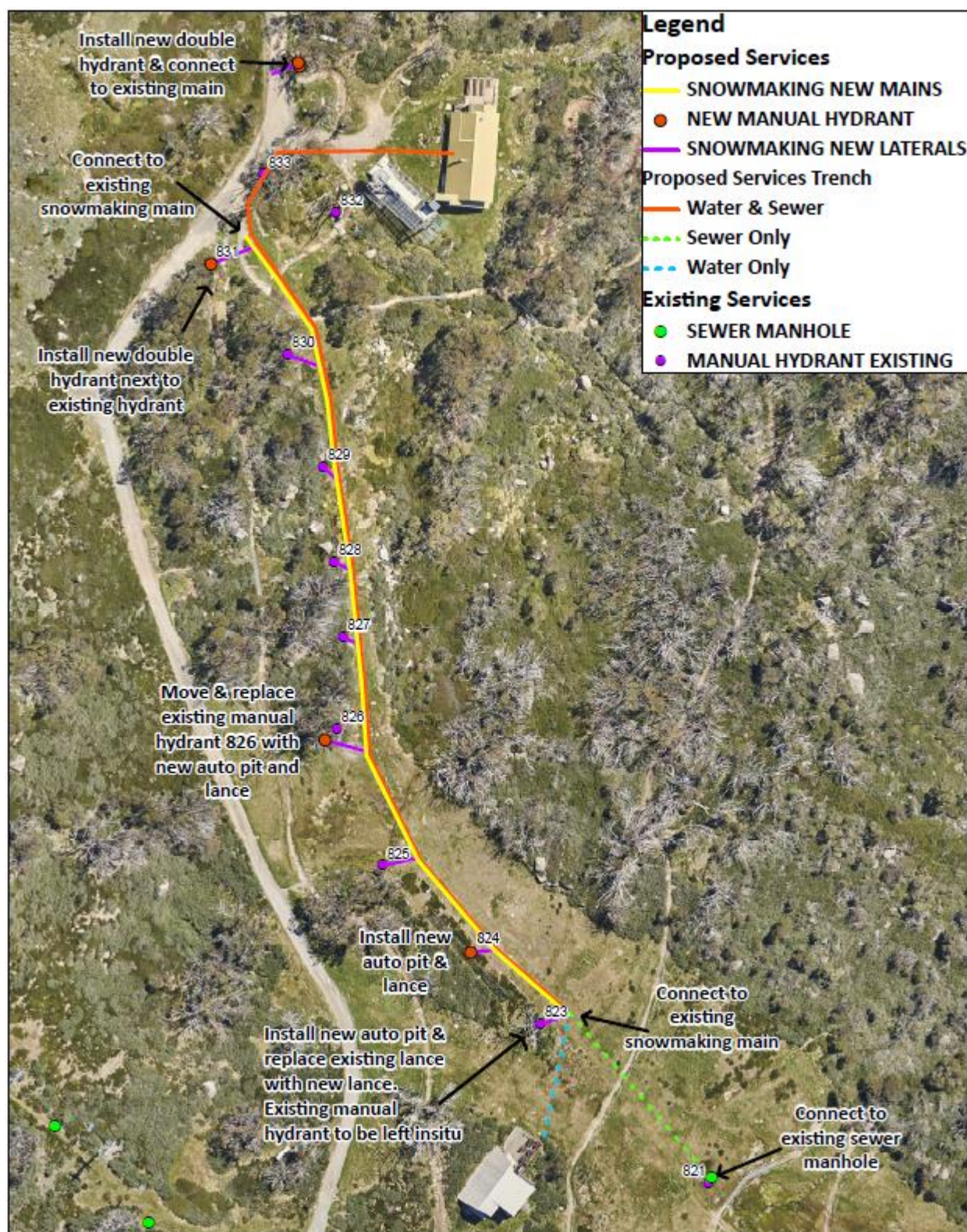


Figure 5 | Village trail area showing proposed snowmaking and services infrastructure (Source: Applicant's Documentation)

Services Upgrades and Work

The Applicant is also proposing making improvements to the water supply and sewer services between Black Sallees restaurant and Kareela Hutte restaurant at the same time as the proposed upgrades to the Resorts snowmaking mains and infrastructure. The works include:

Water Supply:

A new 65mm water supply main pipe is proposed from Black Sallees restaurant to Kareela Hutte restaurant (**Figure 8**). The pipeline will be located within a water and sewer services trench which will run from the Black Sallees restaurant building for a length of 66.5 metres, to the combined services trench previously discussed. The water main will then run within the combined services trench for its length (225 metres). A final 30 metre long trench for the water main only will connect to Kareela Hutte restaurant.

Sewer Services:

Similar to the proposed water supply, new sewer mains are proposed from Black Sallees restaurant to an existing manhole below the Kareela Hutte restaurant. A 65mm rising main will be located within a water and sewer services trench which will run from the Black Sallees restaurant building for a length of approximately 66.5 metres, to the combined services trench previously discussed. The 65mm rising main will connect to a proposed 150mm gravity sewer line, which will run within the combined services trench for its length (225 metres). A final 56 metre long trench for the sewer line only will connect into the existing sewer manhole.

Electricity and Communications:

A new 415 volt underground electrical supply and separate data/communications cabling/services will be installed between the Black Sallees and Kareella Hutte restaurants. The cabling will utilise the proposed trenching discussed above, as appropriate.

Excavation Works

To facilitate the proposed snowmaking infrastructure and services upgrades, trenching and excavation will be required. The proposed works will be located entirely within existing roads, ski slopes and other highly disturbed areas, and include trenching and construction area dimensions as follows:

- The combined services and snowmaking infrastructure will require a trench approximately 1.7m wide and 1m deep. The construction width corridor required for the trenching is 8m with the section between hydrants 826 and 828 (approximately 50 metres), to be narrowed to 6m to minimise impacts on native vegetation on the lower side (skiers left).
- Water and sewer services will require a trench approximately 0.5 metres wide and 0.6 metres deep. The disturbance/construction corridor associated with the services is 6m (as scaled from the applicant's documentation).
- The trench size required for the laterals is approximately 0.8 metres wide and 1 metre deep. The disturbance/construction corridor associated with the laterals is 6 metres.

Details of proposed excavation are outlined in **Table 2**, the proposed disturbance/construction corridors are shown in **Figure 6**.

Table 2 | Areas of Excavation and Construction Areas

Development Component Excavation Dimensions	Approx. Excavation Footprint	Approx. Construction Area Footprint/Corridor
Combined services and snowmaking infrastructure trench – 225 metres in length	382.5m ²	1,700m ² (factoring in the narrowed section between hydrants 826 and 828)
Services only trenches (water and sewer) – 152.5 metres in combined length	76.25m ²	915m ²
Laterals connections – approximately 66 metres in length*	52.8m ²	396m ²
Total:	511.55m²	3,011m² (0.3 ha)

*Length approximate as based on applicant's scaled plans

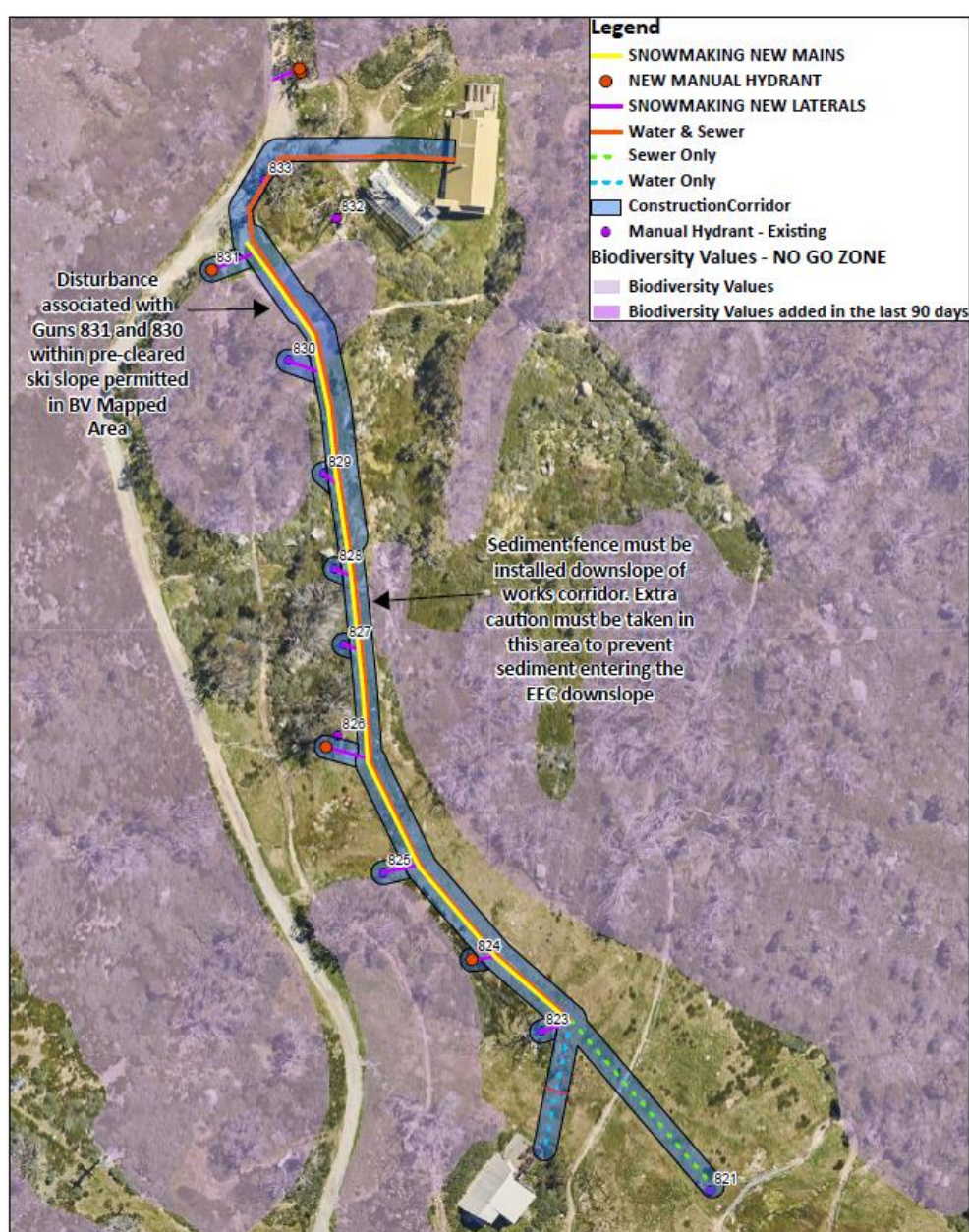


Figure 6 | Village trail area showing proposed construction corridors (Source: Applicant's Documentation)

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

Site compounds will not be required within the construction corridor. The Resort's 'Friday Flat' coach car park will be used for materials and good storage, with three (3) temporary material storage/laydown areas (for pipes etc.) proposed within the vicinity of the works areas (**Figure 7**).



Figure 7 | Proposed temporary materials laydown areas (Source: Applicant's Documentation)
Black Sallees to Kareela Hutte - Snowmaking Infrastructure and Services Upgrades, Thredbo (DA 23/12342) |
Assessment Report

Stockpile Sites

Temporary stockpiles for excavated spoil will be required directly adjacent to the trench to minimise disturbance where the corridor is 8 metres wide. Where the corridor reduces to 6 metres between hydrants 626 and 827, the soil will be removed via excavator and temporarily stockpiled beside the trench in the 8 metre 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. 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).

Rehabilitation Works

Progressive rehabilitation and stabilisation of disturbed areas will take place as needed and post-construction. This will be 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 upper section of the construction corridor (**Figure 8**). Short-term diversions onto existing trails or closures will be required to manage riders when works are being carried out in this location.



Figure 8 | MTB trail locations and indicative proposed works area shown in dashed yellow outline (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, as well as improving services to existing hospitality restaurants located on the ski slopes.

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 minimise potential impacts.

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 and functionality of existing facilities without causing significant 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, 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 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.

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 it will not result in adverse biodiversity impacts and would enhance the 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 replace or new 'snow-making infrastructure' and 'infrastructure facilities' 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' and 'infrastructure facilities' are permissible with consent within the Resort.

In addition, the proposed water and sewer services upgrade works are ancillary to the existing restaurants (a 'food and drink premises', being a type of 'retail premises' and in turn a 'commercial premises'), which are permitted land uses within the Resort.

2.3 Mandatory Matters for Consideration

Objects of the EP&A Act

Table 3 | Objects of the EP&A Act

Objects of the EP&A Act	Consideration
<i>(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,</i>	<p>The proposal supports the ongoing use of the skiable terrain accessed by the existing 'Snowgums' Chairlift, through improving snow making infrastructure. The proposal also results in upgraded services for existing restaurants in the resort.</p> <p>The construction impacts will be largely confined to existing road, ski trails and disturbed areas on the site. Impacts on the environment will be minimised.</p>
<i>(b) 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 would not have an unacceptable impact on the environment, thus being compatible with ecologically sustainable development. Adverse impacts on the natural environment are not expected to occur, whereas 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>

<i>(c) to promote the orderly and economic use and development of land,</i>	The development seeks approval for works that upgrade snowmaking facilities and essential services for 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.
<i>(d) to promote the delivery and maintenance of affordable housing,</i>	Not applicable to this proposal.
<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>Impacts upon the environment are generally confined to previously highly disturbed areas, largely avoiding sensitive areas identified on the Biodiversity Values Map (BVM) and any threatened species.</p> <p>Whilst a small section of the proposal will intersect an area of identified on the BVM, this area has long been cleared of native vegetation. Potential fauna impacts arising are also able to be acceptably managed and mitigated (see Section 4 further in this report).</p>
<i>(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),</i>	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).
<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).

(j) *to provide increased opportunity for community participation in environmental planning and assessment.*

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 4 | 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)(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 Part 4) and fees (Part 13 and Schedule 4).</p> <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>
(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 proposed development. Impacts on the built environment are nil, 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.</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"> 1. <i>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"> 2. <i>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 minimal environmental impacts arising.</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</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 5**.

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 5 | 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

Proposed earthworks are required for trenching and excavation for snowmaking mains, lateral connections, fan gun pits, hydrants and water and sewer services as detailed in **Section 1.3** of this report.

The geotechnical assessment accompanying the application provides that there are several drainage lines that the proposed service trench will cross. Subsequently, temporary water diversions will be required where trenches impact these lines. Similarly, where groundwater is encountered in trenches, temporary water diversions will be also required. Conditions of any subsequent consent will ensure relevant temporary works are undertaken.

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	The proposal is consistent with the aim and objectives of Chapter 4 of the Precincts – Regional SEPP in that the development will be managed with regard to the principles of ESD. The upgrading and improvement of snowmaking facilities and services 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.
(b) a draft development control plan that is intended to apply to the land and has been published on the NSW planning portal	<p>The Draft Alpine Precinct Development Control Plan is currently on exhibition between 17 November 2023 and 20 December 2023.</p> <p>At the time of exhibition of the Draft DCP, the Department notes that Section 4.28(1)(b) was repealed.</p> <p>No additional discussion is therefore required.</p>
(c) a conservation agreement under the <i>Environment Protection and Biodiversity Act 1999</i> 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>
(e) for development in the Perisher Range Alpine Resort— (i) the Perisher Range Resorts Master	Not applicable, as the site is located within Thredbo Alpine Resort.

Plan, published by the National Parks and Wildlife Service in November 2001 and

- (ii) the Perisher Blue Ski Resort Ski Slope Master Plan adopted by the National Parks and Wildlife Service in May 2002.

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.

Key geotechnical constraints include excavation conditions, existing services, and surface water. The assessment makes recommendations regarding these constraints, which will be reinforced via conditions of any subsequent development consent.

- (b) the extent to which the development will achieve an appropriate balance between -

The proposed works have been designed to avoid and mitigate impacts on the natural environment. 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.

- (i) the conservation of the natural environment, and

Natural hazards have been adequately addressed.

- (ii) taking measures to mitigate environmental hazards, including geotechnical hazards, bush fires and flooding,

(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,	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.
(d) the cumulative impacts of development and resource use on the environment of the Alpine Subregion in which the development is carried out,	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.
(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,	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.
(f) the capacity of existing waste or resource management facilities to deal with additional waste generated by the development, including in peak periods.	The project will involve the generation of minimal construction waste and will not generate ongoing operational waste by the development. 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.

Potential surface and ground water impacts and 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.
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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 limited to excavating within the previously disturbed area;
- 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
- 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.

The proposed works will affect areas mapped within the BVM (see **Figure 6** previously). However, the Applicant advised that these areas where the proposed works intersect with areas mapped on the BVM are clear of native vegetation and comprise of exotic grassland (apart from scattered forbs and shrubs).

In the majority, the proposed earthworks are not located within an area mapped on the BVM and the provisions of the BOS under the BC Act are not triggered by the proposal. NPWS concurs with this assessment and notes further vegetation impacts have been confined to low-quality and predominantly exotic vegetation.

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 more than 50 metres away from a tourist accommodation building, the Department did not exhibit the application. The application was however made 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, fauna management and plumbing and drainage requirements.

As part of NPWS comments, recommendations were made regarding the applicants Site and Environmental Management Plan (SEMP). Specifically, NPWS requested a number of minor updates relating to fauna protection measures, a map outlining the proposed construction corridor and no-go/no clearing zones to reflect proposed mitigation measures, and the use of sod replacement techniques where there is excavation through areas of native vegetation (if any). Additionally, recommendations were made to also update the applicant's erosion and sediment control plan (ESCP).

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

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, and
- Infrastructure services and layout.

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

4.1 Managing construction impacts

The construction activities are not anticipated to cause disturbance to native vegetation. The majority of works will not take place within BVM area, however trenching works for the combined services will intersect the BVM area between proposed hydrant 831 and existing hydrant 830 (including the proposed lateral connection to existing hydrant 830), see **Figure 9** and **Figure 10**.

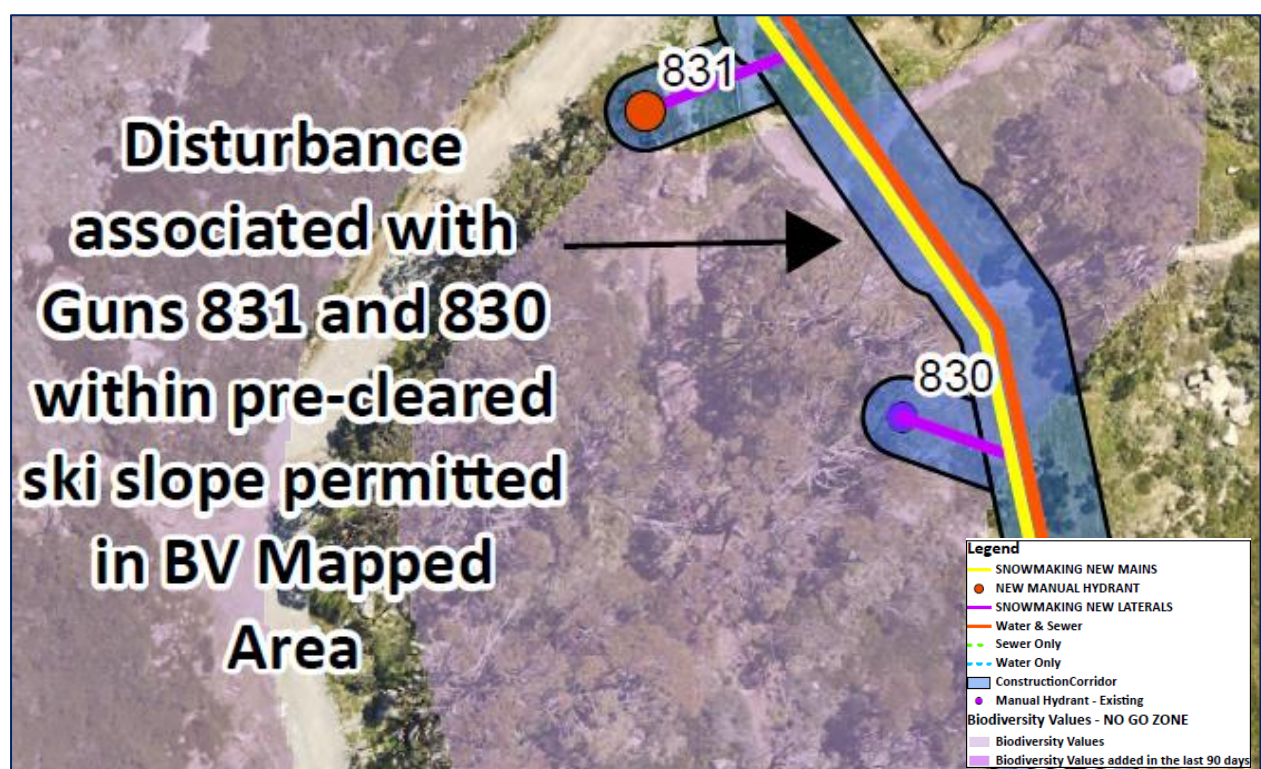


Figure 9 | BVM and area of works and construction corridor intersecting (Source: Applicant's documentation)

Despite the proposed encroachment of the BVM area, a Flora and Fauna Report (F&F report) provided with the application notes those areas intersected have long been cleared of native vegetation and comprise exotic grassland apart from scattered forbs and shrubs (**Figure 11** - **Figure 13**).

The proposed construction width corridor required for the combined services trenching is 8 metres wide, with the section between hydrants 826 and 828 (approximately 50 metres) to be narrowed to 6 metres in width to minimise impacts on native vegetation on the lower side (skiers left).

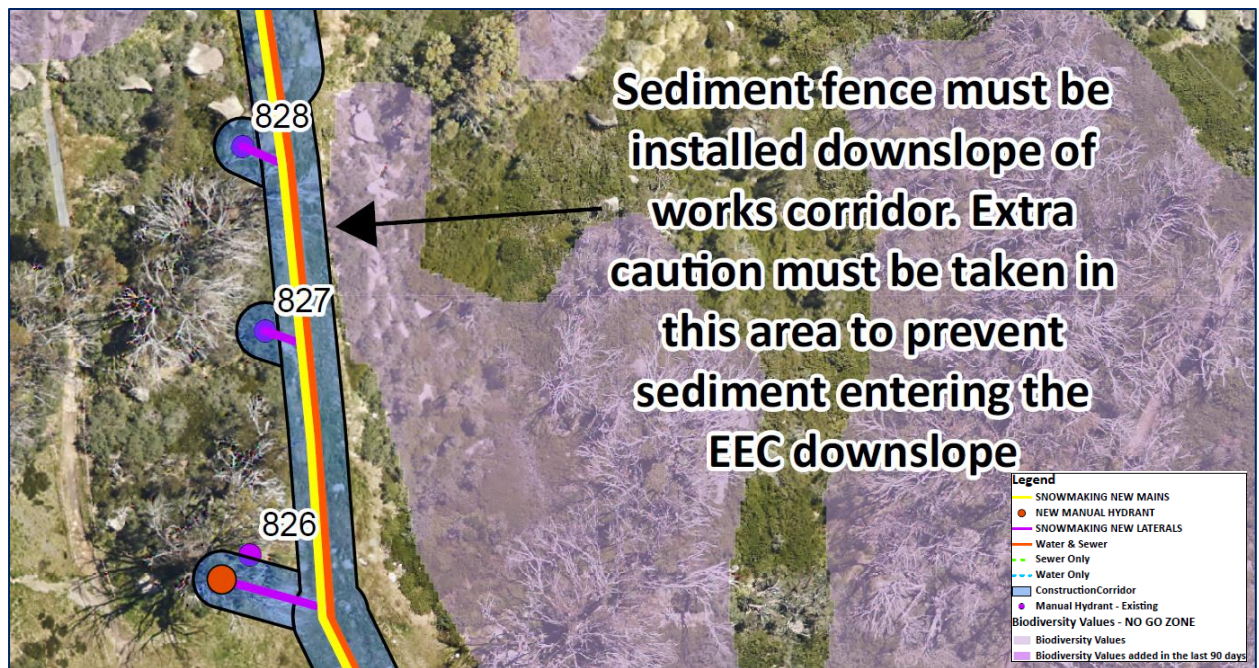


Figure 10 | BVM and area of works and construction corridor reduction (Source: Applicant's documentation)

Impacts on vegetation will be limited to a few shrubs and groundcovers that are scattered amongst the exotic grassland that characterises the proposed disturbance footprint. Direct impacts arising from the proposal are expected to affect less than 10m² of already highly disturbed native vegetation. Within the development footprint is a very small, but highly disturbed wet area hardy native species, however this area does not comprise of any endangered ecological communities.

Indirect impacts associated with the proposal are expected to be minor as:

- The footprint of the proposed direct impacts is small.
- The areas affected are already highly disturbed.
- The proposal will be implemented with appropriate safeguards.

The F&F Report identifies that the proposal will affect at least two (2) wombat burrows which are in close proximity to the existing hydrants 826 and 827 (**Figure 14**).



Figure 11 | Proposed corridor indicated with red line within highly disturbed ski slope area (Source: Applicant's documentation)



Figure 12 | Proposed corridor indicated with red line within highly disturbed ski slope area (Source: Applicant's documentation)



Figure 13 | BVM area entirely comprising of exotic grasses (Source: Applicant's documentation)

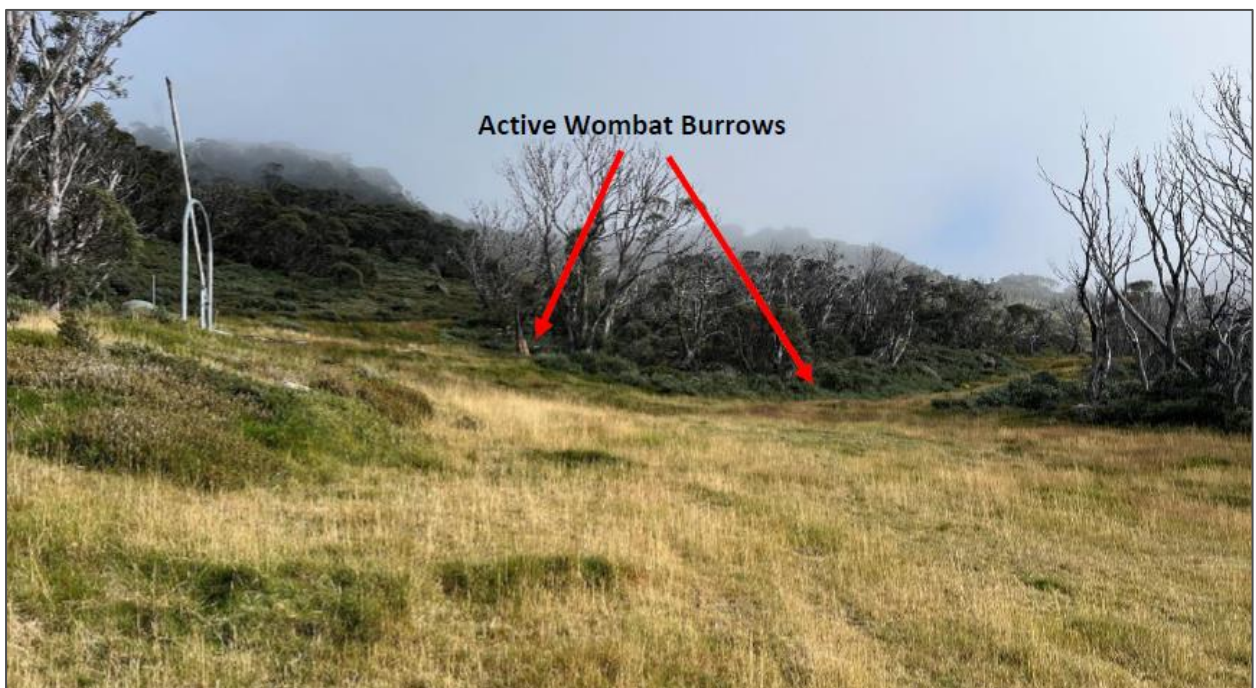


Figure 14 | BVM area entirely comprising of exotic grasses (Source: Applicant's documentation)

As the proposal however will not result in substantial modifications to the hydrological environment nor will it create barriers which prevent the movement and dispersal of fauna species, the impacts on fauna habitats have been found to be relatively minor and acceptable.

The F&R Report provided with the application makes recommendations for vegetation habitat management, including the preparation of a wombat management plan.

The F&F Report concludes that:

- The proposed works will not result in any adverse impacts on threatened species, populations or ecological communities and will not have a significant impact on these entities pursuant to the *NSW Biodiversity Conservation Act 2016* or the *Commonwealth Environment Protection and Biodiversity Conservation Act 1999*.
- The proposal will not result in any substantial adverse impacts on native vegetation communities or associated fauna habitats, nor will there be any impacts on flora species of conservation significance, important fauna habitats, habitat connectivity or any other biodiversity values of conservation significance.

NPWS have considered the F&F Report and agree that it has suitably assessed the proposal, with vegetation impacts confined to low quality and predominately exotic 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, and
- Wombat management plan.

The geotechnical assessment accompanying the application provides that there are several drainage lines that the proposed service trench will cross. Conditions of any subsequent consent will ensure relevant temporary works are undertaken as required to mitigate any potential surface and/or ground water impacts arising.

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. 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 agree with the applicant's assessment that the potential for impacts to Aboriginal Cultural Heritage is unlikely. This is based on the

provided Aboriginal Heritage Information Management System (AHIMS) search, the applicant's due diligence assessment and that the works proposed being 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 Infrastructure and Services Layout

The proposed development will improve snowmaking infrastructure within the Resort through the replacement of water and air mains, provision of electricity and dialogue cabling services and installation of new snowmaking pits and guns. Improvements to services for existing restaurants land uses in the Resort will also be improved through the installation of upgraded water and sewer mains, and electrical and data / communications services.

The layout of the proposed works follows existing disturbed terrain and utilises existing mains and services to connect into and minimise ground disturbance. To further minimise disturbance, redundant mains will be left in-situ. Conditions of any subsequent consent will enforce this.

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, and construction impacts on the surrounding environment will be minimised through adoption of conditions of consent,
- the cultural values of Kosciuszko National Park will be appropriately protected through due diligence being exercised in developing and undertaking the proposed works to minimise impacts on Aboriginal cultural heritage, and
- the works are acceptable to enhance visitor amenity within Thredbo Alpine Resort for the continued visitor enjoyment of snow-based Alpine activities, supporting the ongoing 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 Team Leader, 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 Team Leader, 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 23/12342, subject to the recommended conditions
- **signs** the attached Development Consent (**Appendix A**).

Recommended by:



Zac Derbyshire
Planning Officer
Alpine Resorts Team



Mark Brown
Principal Planning Officer
Alpine Resorts Team

Adopted by:



13/02/2024

Daniel James
Team Leader
Alpine Resorts Team
as delegate of the Minister for Planning

Appendices

Appendix A – Recommended Instrument of Consent