



Snowmaking Infrastructure Installation and Upgrades, Thredbo

Development Application Assessment
DA 23/12343

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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 Development Application (DA 23/12343). 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 \$2,872,650.

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

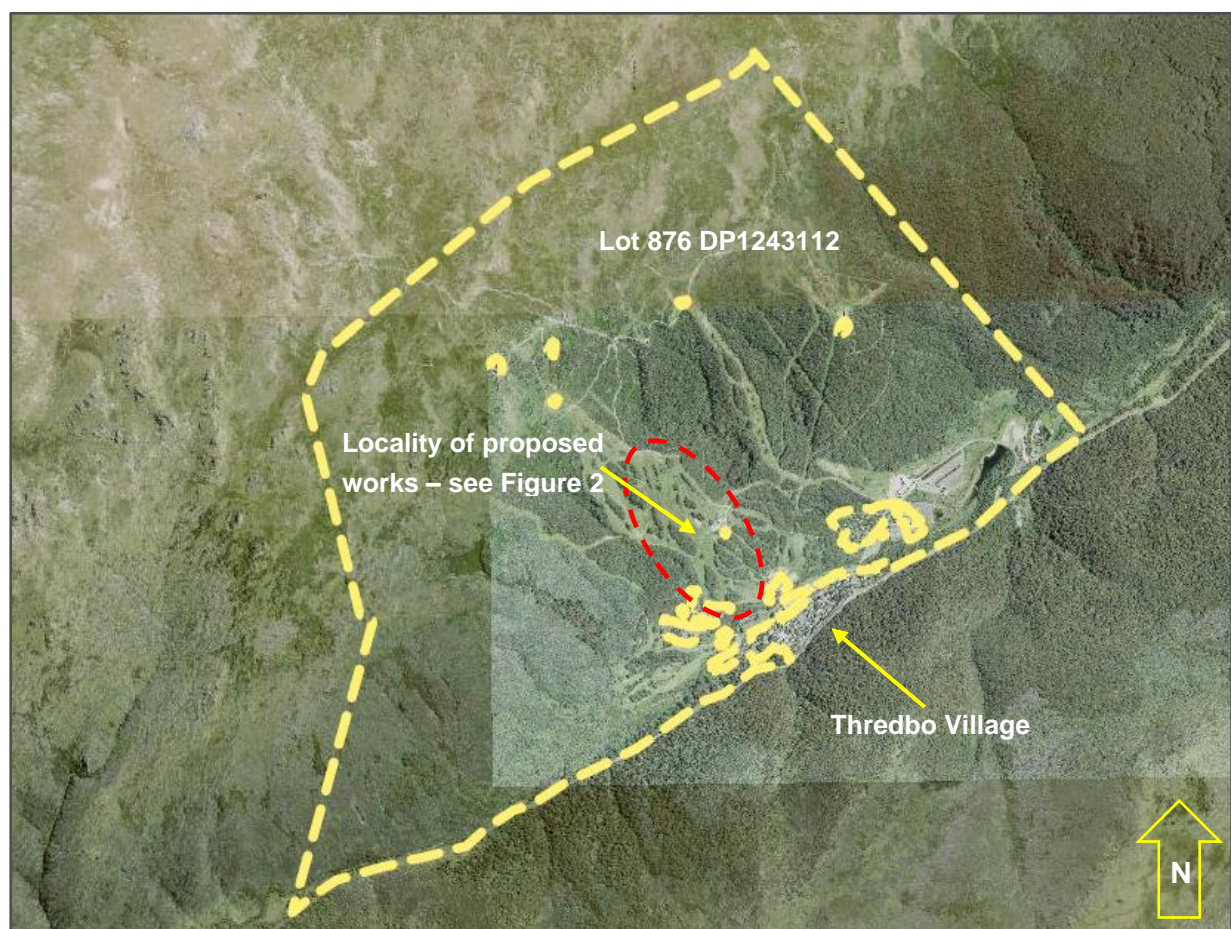


Figure 1 | Locality of proposed development in context of Thredbo Alpine Resort and surrounding areas
(Source: ePlanning Spatial Viewer 2023, with Department annotations)



Figure 2 | Indicative locality of proposed works shown within yellow dashed area, key site features as indicated (Source: Six Maps, 2023, 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 750km north-west of Thredbo Village, located within the 'middle slopes' area of the Resort. Proposed works are generally located within existing ski runs (disturbed areas of the Resort), described as follows:

- From 'Snowgums Chairlift Bunny Walk Station' to the 'Cat shed' (known as 100 line, beneath the Snowgums chair lift);
- Middle slopes section of 'Supertrail' uphill (north-west) from the 'Cat Shed'
- Trunk line-Cat Shed and Cat Shed-Milk Run split; and
- Milk Run (west of Cat Shed to intersection with Lower Supertrail).

Existing summer access roads provide vehicular access to the site from Friday Drive. The locality of the works is shown in **Figure 3**.

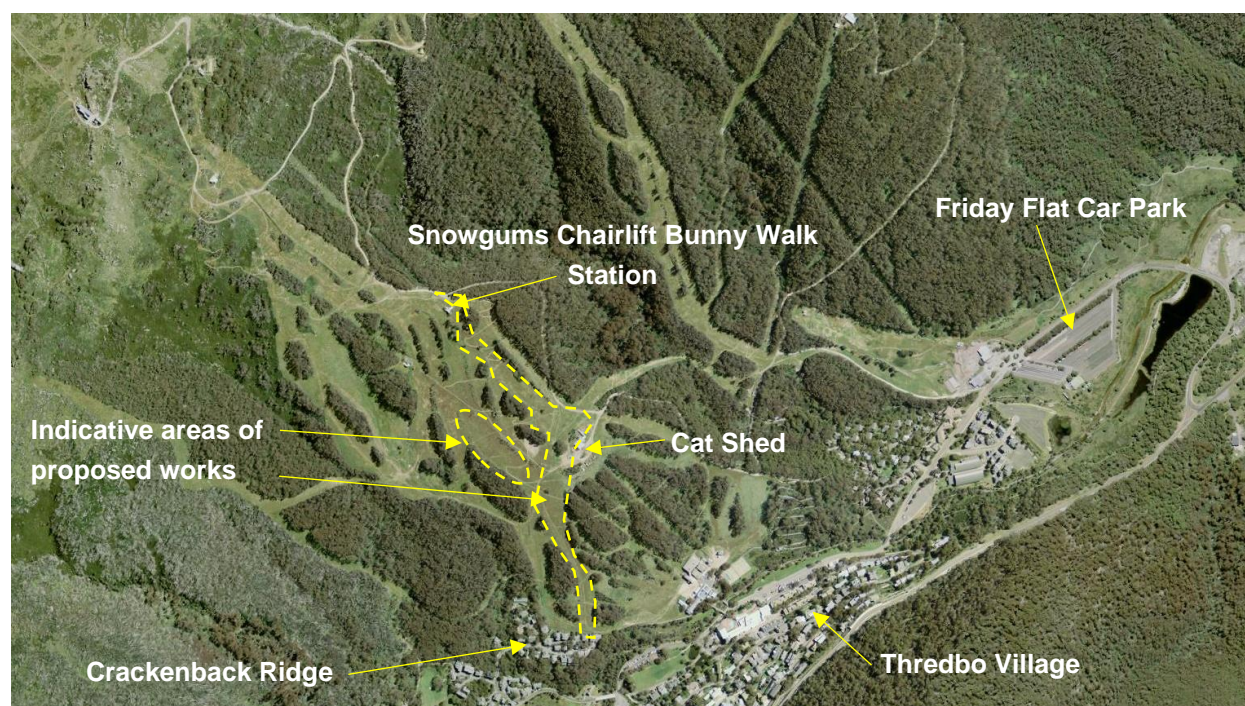


Figure 3 | Location image, indicative areas of proposed works within dashed yellow line (Source: Six Maps 2023 with annotations by the Department)

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, or 'fan' type guns, which utilise in-built air compressors, needing only water and electricity services. The proposed development seeks to replace aging snowmaking infrastructure, including the replacement of existing services, new and replacement fan guns and relocation of an existing manual hydrant point. An overview of the proposed development can be seen in **Figure 4**.

Snowmaking Mains Replacement:

Snowmaking mains replacement will occur utilising a common trench for new air and water pipes/mains, and new power and dialog cables/services. A combined length of 1,283.9 metres of mains and services are proposed to be laid. To minimise ground and vegetation disturbance, sections of redundant mains will be left in-ground.

Within the middle slopes section of 'Supertrail' uphill (north-west) from the 'Cat Shed', proposed new electricity and dialogue cabling/services are also proposed, which will service proposed new fan guns (discussed further below).

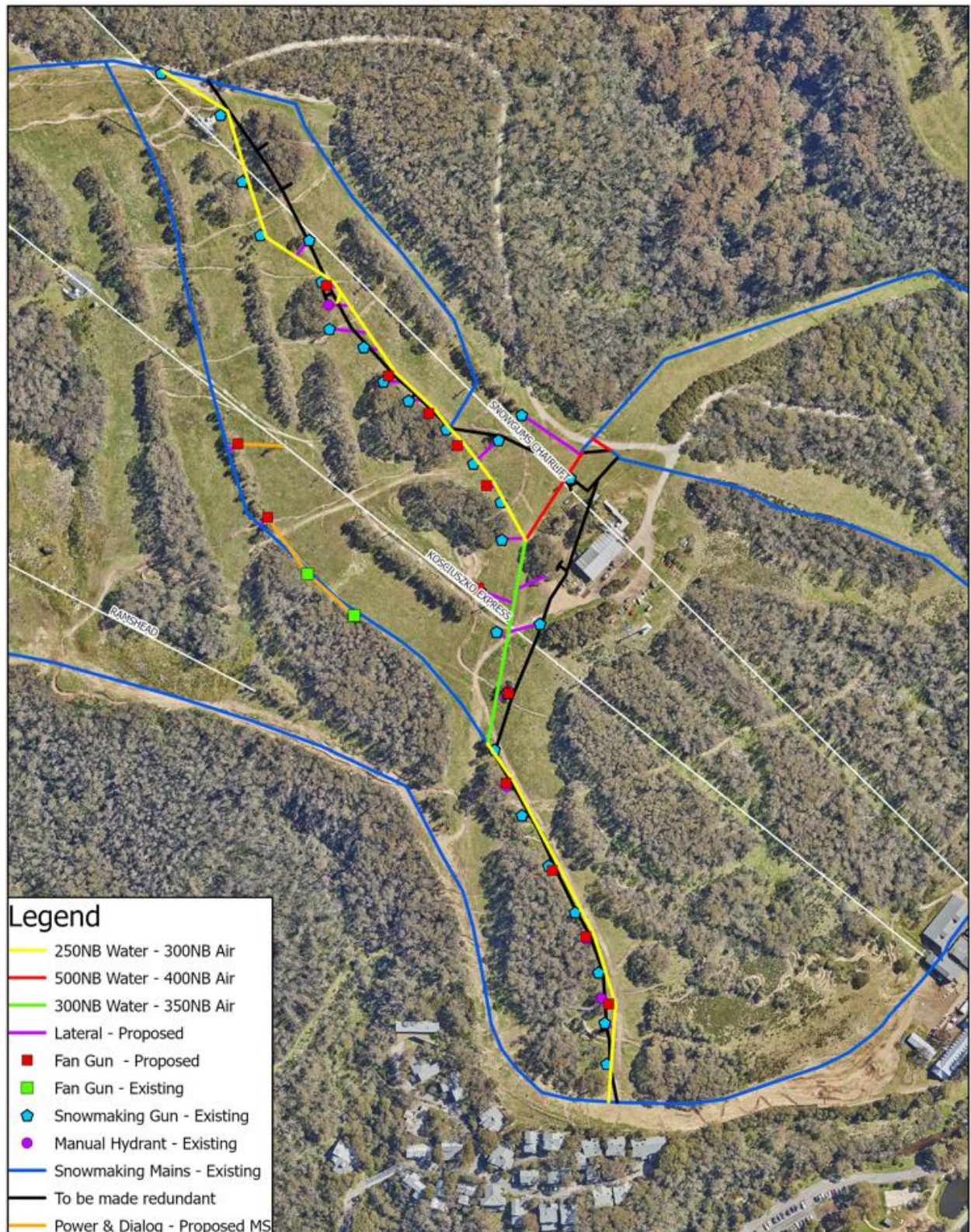


Figure 4 | General overview of proposed snowmaking infrastructure installation and upgrades (Source: Applicant's Documentation)

New and Replacement Snowmaking Guns:

A total of 13 new 'TT10 Fan Guns' are proposed to be installed as part of the proposal which will connect into the proposed new mains and services. The fan guns are approximately 4.1 metre high and are mounted on top a subsurface 'fan pit' (example shown in **Figure 5**).



Figure 5 | Example TT10 Fan Gun and Pit (Source: Applicant's Documentation)

Two (2) new fan guns within the middle slopes are of the site will however utilise existing snowmaking mains, with new electricity and dialogue cabling/services connected from existing fan guns and the 'Kosciuszko Express' chairlift.

In some locations along the length of the new snowmaking mains, existing lance type guns and pits (example shown in **Figure 6**) will be removed and replaced with the TT10 fan guns and pits.



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

Lateral connections:

The installation of lateral connections (laterals), off the new snowmaking mains and services will be required for existing and new snow gun pits and hydrants. Existing redundant laterals will be left in-situ to prevent unnecessary ground disturbance.

Laterals to existing pits with lances and hydrants will include air and water, and electric and dialog cabling. Laterals connections to new fan pits proposed require water only (due to fan guns having built-in air compressors), and power and dialog cables. A total of 44 new lateral connections are required.

Relocation of Hydrant:

An existing manual hydrant point is proposed to be relocated to the west of the 'Cat Shed' with an aim to improve snow cover in the locality, also providing improved access for snow grooming machinery entering the 'Cat Shed' (**Figure 7**).

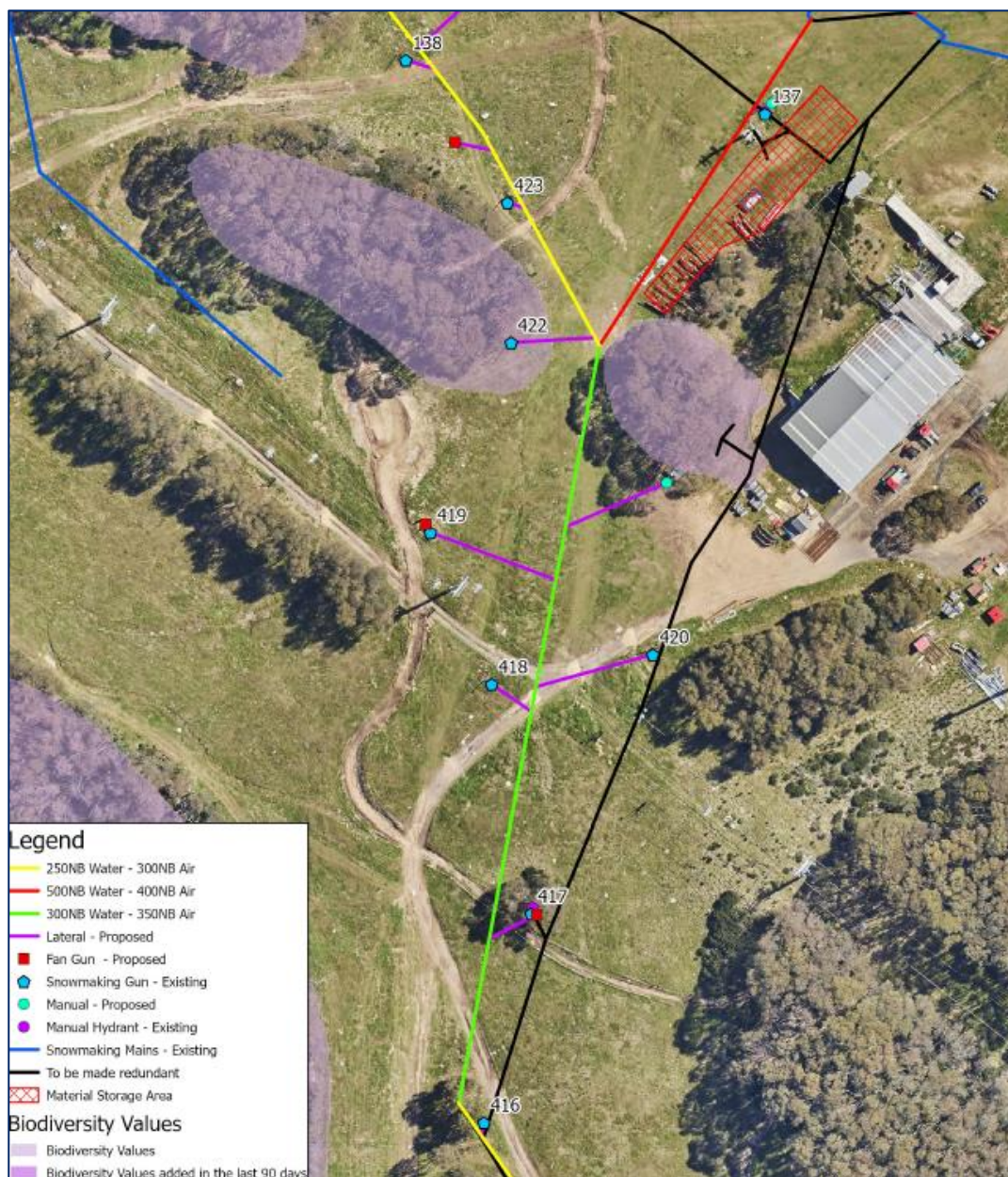


Figure 7 | Works in vicinity of 'Cat Shed', relocated manual hydrant as shown (Source: Applicant's Documentation)

Excavation Works

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

- The common snowmaking mains and services trench will be approximately 1.4 metre wide and up to 1.2 metre deep. The construction corridor for the common trench is 10 metre wide from the edge of the ski slope.
- Lateral trenches will be approximately 0.80 metre wide and 1 metre deep. The construction corridor for laterals is approximately 3 metre wide.
- Fan pit dimensions are 1.64 metre x 1.1 metre, with the construction footprint approximately 3 metre x 3 metre and 1.6 metre deep. The top of the concrete pit and access doors are raised above ground level to enable access (see **Figure 5** previously).

Areas of proposed excavation and construction footprints are outlined in **Table 1**.

Table 1 | Areas of Excavation

Development Component Excavation Dimensions	Approx. Excavation Footprint	Approx. Construction Area Footprint/Corridor
Combined snowmaking and services infrastructure trench – 1,283.9m in length	1,798.46m ²	12,839m ²
Lateral Connections x 43 – *Approximate total length 468m	374m ²	1,404m ²
Fan Gun Pits x 13	23.45m ²	117m ²
Totals:	2,195.91m² (0.22 ha)	14,260m² (1.43 ha)

**Length approximate as based on applicants scaled plans*

Access, Machinery, Vehicles and Equipment

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;
- Excavator;
- Front-end/skid-steer loader;
- Telehandler;
- Snow groomer with summer tracks;
- Utility Terrain Vehicles (UTV);
- Tipper trucks; Delivery trucks; and
- Mobile crane.

Materials Storage

The following locations are proposed to be utilised for material storage within the construction corridor;

- Adjacent to the Cat Shed (**Figure 7**); and
- Base of Milk Run ski slope (**Figure 8**).

Additional material storage locations will be required at the following locations:

- Friday Flat – between Gunbarrel bottom station and the clock tower;
- Friday Flat coach carpark; and
- A flat area west of Kosciuszko Express Chairlift bottom station.



Figure 8 | Works in vicinity of 'Cat Shed', relocated manual hydrant as shown (Source: Applicant's Documentation)

Stockpile sites

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. Access to stockpile locations are proposed to be restricted to authorised staff and contractors. Soil stockpiles will be managed in accordance with the *Soil Stockpile Guidelines for the Resort Areas of*

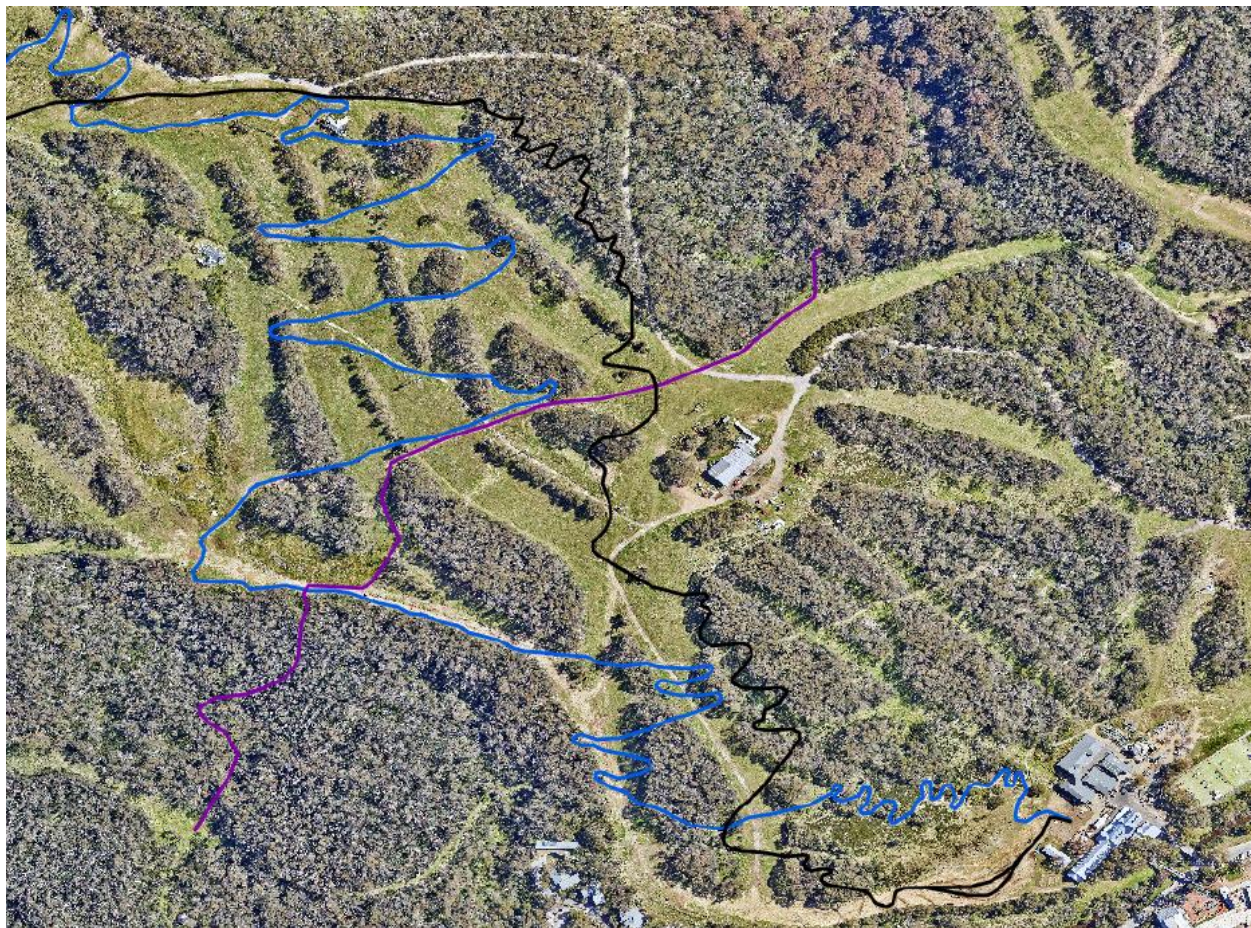
Kosciuszko National Park (OEH 2017) (Soil Stockpile Guidelines) and proposed Site Environmental Management Plan (SEMP).

Rehabilitation Works

Progressive rehabilitation and stabilisation of disturbed areas will take place as needed and post-construction. This will be 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 that sections of the 'Kosciuszko Flow' and 'Cannonball Downhill' mountain bike (MTB) trails and the 'Meadows Nature Track' traverse the construction area (**Figure 9**). Short-term diversions or closures will be required for the management bike riders and walkers when works are being carried out in these locations. Works will commence on 'Milk Run' first and move uphill to minimise disruptions to MTB operations.



*Kosciuszko Flow MTB trail = blue; Cannonball MTB trail = black; Meadows Nature Track = purple

Figure 9 | Main stockpile site proposed (Source: Applicant's Documentation)

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

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 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.

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 new snowmaking 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 2 | 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 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. 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>	<p>The development seeks approval for works that upgrade snowmaking facilities and essential services for the Thredbo Alpine Resort. This will contribute to greater visitor amenity, supporting Alpine Resort visitation for winter sports and tourism, thereby promoting the ongoing economic use of the land.</p>

<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>	Impacts upon the environment are generally confined to previously disturbed areas, avoiding sensitive areas identified on the Biodiversity Values Map and any threatened species. NPWS have also provided comments on the proposal, making recommendations for conditions of any subsequent consent issued, providing further environmental safeguards.
<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 Section 4 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).
<i>(j) to provide increased opportunity for community participation in environmental planning and assessment.</i>	The proposal was made publicly available 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)(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>
(b) the likely impacts of that development	The Department has considered the likely impacts of the proposed development. Impacts on the built environment are nil, with the proposal is considered to generally have positive economic and social impacts while the environmental and cultural values of the site and locality will be maintained.
(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>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> <i>Is the site itself suitable for the particular development?</i>

The proposal seeks to make improvements to existing ski infrastructure and resort services with minimal environmental impacts arising.

Overall, the site is suitable for the development and supports the ongoing safe operation of the ski lift and surrounding snow-based winter activities in the resort.

(d) any submissions made in accordance with this Act or the regulations,	Consideration has been given to agency discussions during the assessment of the application. See Section 4 of this report.
(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 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 in Section 4 of this

report. NPWS have also considered Aboriginal cultural heritage in their review of the application (**Section 3**).

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 confined to trenching and excavation for snowmaking mains, lateral connections, fan gun fits and hydrants as detailed in **Section 1.3**.

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.

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.

A condition of any subsequent consent will 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

Not applicable to the development.

(c) a conservation agreement under the *Environment Protection and*

Not applicable to the development.

Biodiversity Act 1999 of the Commonwealth that applies to the land,

- | | |
|---|--|
| <p>(d) the <i>Geotechnical Policy - Kosciuszko Alpine Resorts</i> published by the Department in November 2003,</p> | <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 style="padding-left: 20px;">(i) the Perisher Range Resorts Master Plan, published by the National Parks and Wildlife Service in November 2001 and</p> <p style="padding-left: 20px;">(ii) the Perisher Blue Ski Resort Ski Slope Master Plan adopted by the National Parks and Wildlife Service in May 2002.</p> | <p>Not applicable, as site is located within Thredbo Alpine Resort.</p> |

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 -

- | | |
|--|--|
| <p>(a) measures proposed to address geotechnical issues relating to the development,</p> | <p>The geotechnical assessment provided with the application confirms that the proposed works will have minimal or no geotechnical impact of the site. This is due to the relatively shallow depths of excavation proposed, lack of obvious signs of instability and anticipated subsurface conditions.</p> <p>The assessment makes recommendations which will be reinforced via conditions of any subsequent development consent.</p> |
| <p>(b) the extent to which the development will achieve an appropriate balance between -</p> <p style="padding-left: 20px;">(i) the conservation of the natural environment, and</p> | <p>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</p> |

(ii) taking measures to mitigate environmental hazards, including geotechnical hazards, bush fires and flooding,	<p>geotechnical sensitivity, and the works have been assessed as minor.</p> <p>Natural hazards have been adequately addressed.</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>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>
(d) the cumulative impacts of development and resource use on the environment of the Alpine Subregion in which the development is carried out,	<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>
(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>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.</p>
(f) the capacity of existing waste or resource management facilities to deal with additional waste generated by the development, including in peak periods.	<p>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.</p>
<p>Under section 4.29(2) - For development involving earthworks or stormwater draining works, the consent authority must also consider -</p>	
<p>Measures to mitigate adverse impacts associated with the works</p>	<p>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.</p> <p>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.</p>

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,
- 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.

Native vegetation is not expected to be impacted during the proposed works. The proposed earthworks are largely not located within an area mapped on the BVM. However, trenching for lateral to snowmaking gun 422, is in an area mapped on the Biodiversity Values Map, but is located on a previously disturbed ski slope (discussed further in **Section 3** and **Section 4**).

This provision of the BOS under the BC Act are not triggered by the proposal.

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. NPWS additionally provided comments on the diversion of mountain bike trails (MTB trails) and nature tracks during construction of the snow-making facilities (addressed in **Section 4**).

As part of NPWS comments, recommendations were made with regard to the applicants Site and Environmental Management Plan (SEMP). Specifically, NPWS requested a number of minor updates relating to fauna protection measures and a map outlining the proposed construction corridor and no-go/no clearing zones to reflect proposed mitigation measures. A revised SEMF was provided by the Applicant (dated 12.10.2023) 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 a lateral main to existing snowmaking gun 422 will encroach into a BVM area as seen below in **Figure 10**.

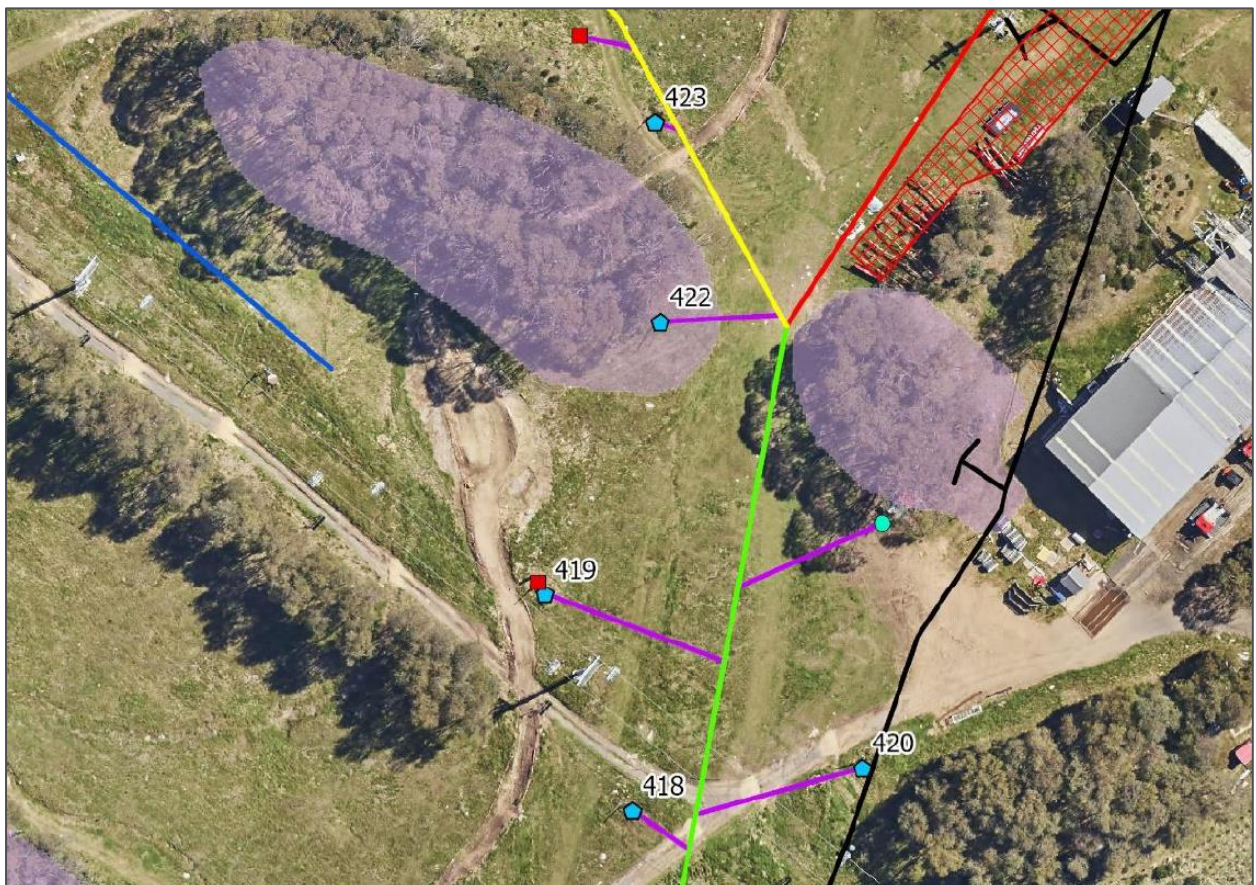


Figure 10 | BVM mapping and lateral connection to existing snowmaking gun 422 (Source: Applicant's Documentation)

Despite the proposed encroachment of the BVM area associated with a lateral main to existing snowmaking gun 422, a Flora and Fauna Report (F&F report) provided within the application provides that the proposal does not trigger the BOS. The area of proposed works are almost entirely comprised of exotic grassland

of the ski runs (**Figure 11** and **Figure 12**), though the F&F report notes that minor impacts to native vegetation will be required. This will be limited to the clearing of one (1) eucalypt planting, some shrubs and groundcovers in two (2) locations in the 'middle slope' area where proposed laterals and fan guns traverse, or are on the edge of, a planted tree island (**Figure 13** and **Figure 14**).



Figure 11 | Proposed location for a New fan pit, TT10 fan gun and lateral from snowmaking mains on 'Milk Run' (Source: Applicant's Documentation)



Figure 12 | An existing pit and lance gun to be replaced with new fan pit, TT10 fan gun and lateral from snowmaking mains on the '100 line'. (Source: Applicant's Documentation)



Figure 13 | Two new TT10 fan gun locations in the Middle Slopes area that will require minor vegetation clearing. (Source: Applicant's Documentation)



Figure 14 | A single eucalypt planting may need to be removed or roots impacts to access existing lateral that runs below planted tree island (Source: Applicant's Documentation)

The F&F Report provided with the application provides that direct impacts are expected to affect less than 30 m² of already disturbed native vegetation. 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 disturbed and located on the edge of ski runs.
- The proposed works will be implemented with appropriate safeguards.

However, as previously discussed, one (1) area where the proposed works encroach into an area mapped on the Biodiversity Values Map has long been cleared of native vegetation and forms part of the ski slope area. NPWS have considered the proposal and do not raise any objections.

The F&F Report provided with the application makes recommendations for vegetation habitat management, sediment control and rehabilitation which can be enforced via conditions of any subsequent consent.

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 concur that the BOS will not apply as the proposed lateral will be located within a previously disturbed ski slope area.

Additional discussions were held with the Applicant and NPWS, with NPWS raising no objections to the development for this identified site.

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 and Nature Track Diversions

The Applicant notes that sections of the 'Kosciuszko Flow' and 'Cannonball Downhill' mountain bike (MTB) trails and the 'Meadows Nature Track' traverse the construction area (**Figure 15 – Figure 17**). Short-term diversions or closures will be required for the management bike riders and walkers when works are being carried out in these locations. Works will commence on 'Milk Run' first and move uphill to minimise disruptions to MTB operations.

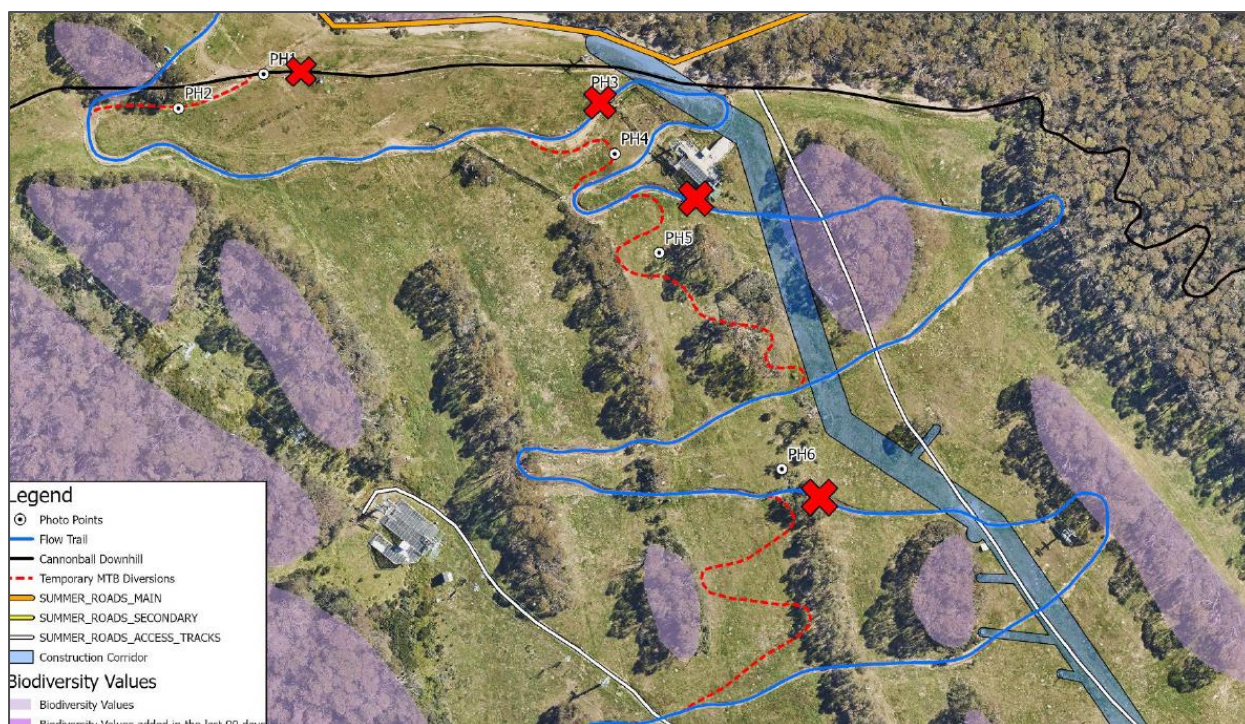


Figure 15 | Trail diversion locations during construction of the snow-making facilities (Source: Applicant's Documentation)

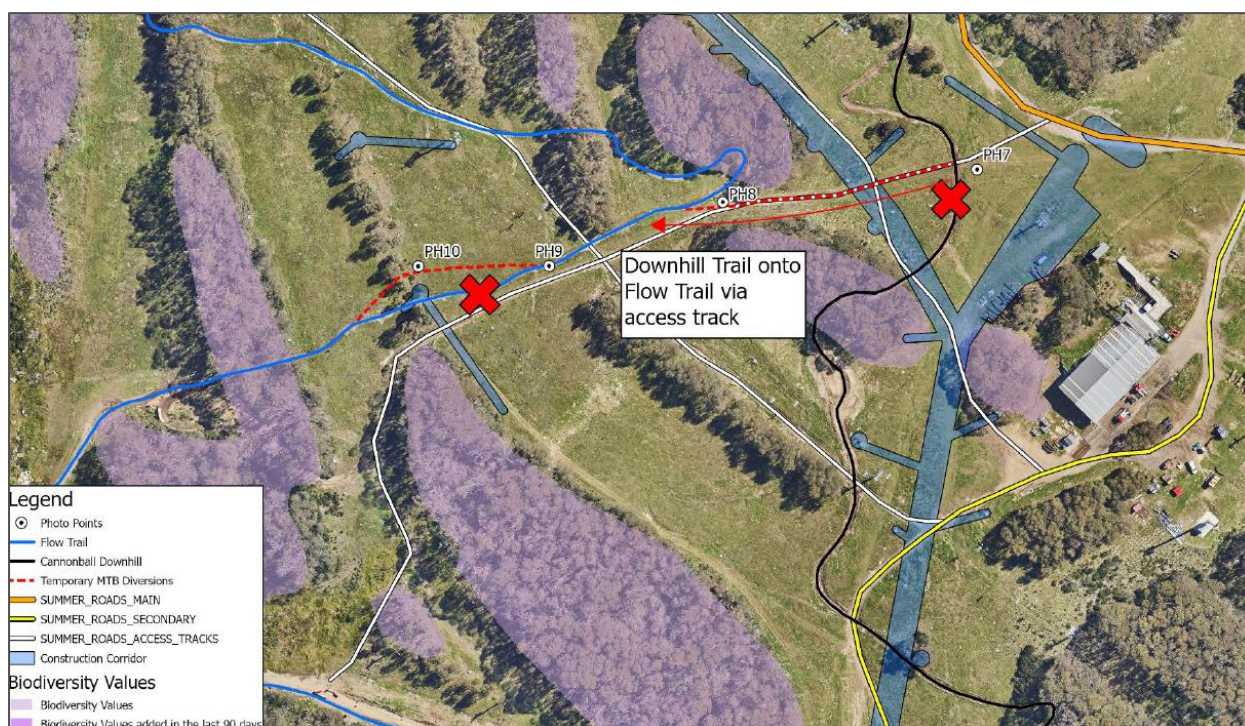


Figure 16 | Trail diversion locations during construction of the snow-making facilities (Source: Applicant's Documentation)

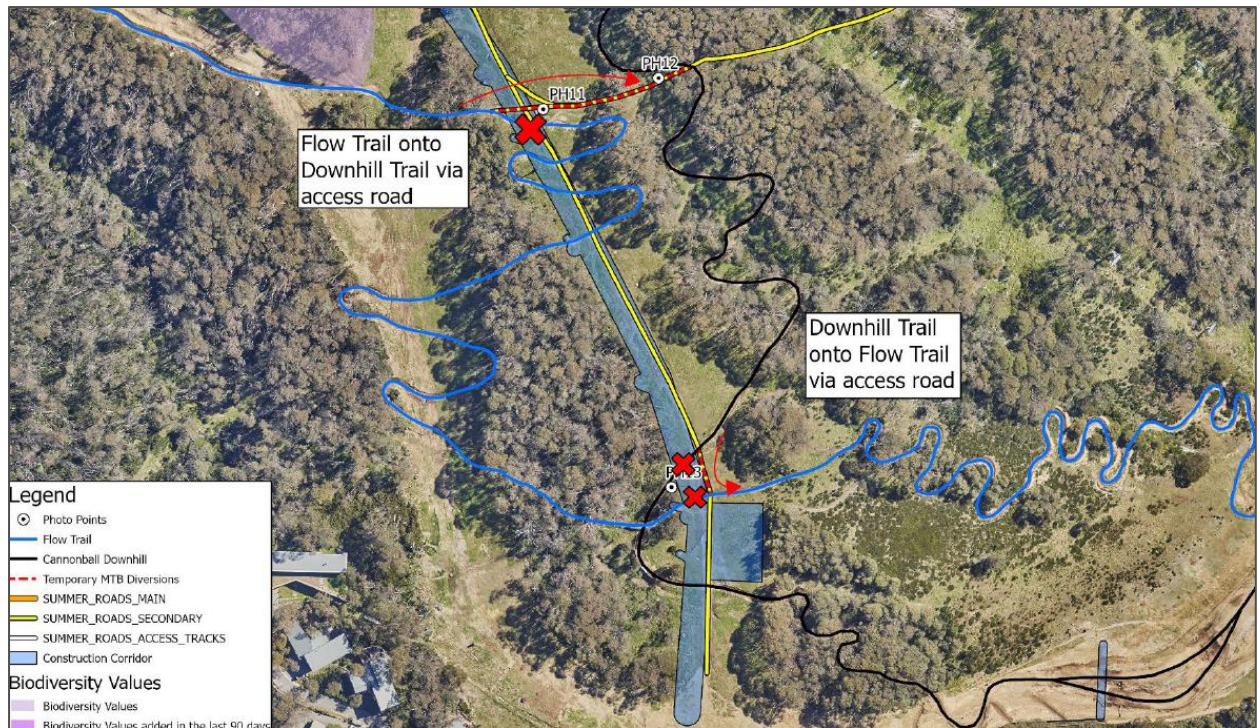


Figure 17 | Trail diversion locations during construction of the snow-making facilities (Source: Applicant's Documentation)

The Applicant identified that all diversions would be located on existing access roads or within the construction corridor where possible. Alternatively, if the above cannot be achieved, the diversions will be located on pre-disturbed open ski run. NPWS was consulted for comments and, provided no native vegetation damage or tree limb removal occurs, and the temporary diversions are rehabilitated immediately after use in accordance with the *Rehabilitation Guidelines for the Resort Area of Kosciuszko National Park*, finds the diversions acceptable. The Department concurs with NPWS comments and subject to the above requirements, considers the mountain bike trail and nature track diversions acceptable.

Conditions of any subsequent consent with ensure adequate delineation of temporary MTB trail/track 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 (including an updated Aboriginal Heritage Information Management System (AHIMS) search provided by the Applicant on 25 September 2023) and agree with the Applicant's assessment that the potential for impacts to Aboriginal Cultural Heritage is unlikely. This is based on the updated AHIMS, the Applicant's due diligence assessment and due to 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 Services and Layout

The proposed development will improve snowmaking infrastructure within the Resort through the replacement of water and air mains and provisions of electricity and dialogue cabling 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.

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 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 23/12343, subject to the recommended conditions
- **signs** the attached Development Consent (**Appendix A**)

Prepared by: Planning Consultant

Recommended by:



Zac Derbyshire
Planning Officer
Alpine Resorts Team

Adopted by:



21/11/2023

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

Appendices

Appendix A – Recommended Instrument of Consent