



Gondola Mid Station Connector MTB, Thredbo

Development Application Assessment
DA 23/15910

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Glossary

Abbreviation	Definition
BC Act	<i>Biodiversity Conservation Act 2016</i>
BC Regulation	<i>Biodiversity Conservation Regulation 2017</i>
BDAR	Biodiversity Development Assessment Report
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 2021	<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 and Wildlife Service
Planning Secretary	Secretary of the Department of Planning Housing and Infrastructure
SEE	Statement of Environmental Effects
SEPP	State Environmental Planning Policy

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1 Introduction

This report contains the Department's assessment of the Development Application (DA 23/15910) lodged by Kosciuszko Thredbo Pty Ltd (the Applicant) seeking approval for the development of the Gondola Mid Station Connector Mountain Bike Trail, Thredbo Alpine Resort, Kosciuszko National Park (KNP).

The Applicant seeks approval for the realignment of the Lower All-Mountain trail which would include the closure and rehabilitation of the existing Lower All-Mountain trail and the addition of a new gondola Mid Station Connector Mountain Bike trail. The new Mid Station Connector trail will provide a diversion for riders when the existing trail requires closure and is intended to provide a new and interesting riding experience for users (**Figure 1**).



Figure 1 | Site map identifying the proposed Mid Station Connector trail in conjunction with the existing Lower All-Mountain trail (Source: Applicant's Statement of Environmental Effects [SEE] 2023)

The Mid Station Connector trail is an intermediate technical trail of approximately 202 metres in length which will run from the Lower All Mountain trail, onto the Merrits Gondola mid station terminal before connecting back onto the Lower All Mountain trail.

The Applicant notes that the purpose of the development is to provide access to the new mid station terminal, while also allowing for the closure and rehabilitation of the existing Lower All mountain trail. Additionally, the node would be utilised to provide a new and interesting experience for riders visiting Thredbo Alpine Resort.

The proposed trail has been designed to avoid land listed as having high biodiversity values, see **Figure 3**. To facilitate the proposed trail, clearing of native vegetation would be required. A Flora and Fauna Assessment has been provided as part of the DA, with no required offsets proposed under the Biodiversity Offset Scheme (BOS) for the 0.04 ha of native vegetation requiring clearing (**Figure 2**). An assessment of biodiversity impacts is provided in **Section 4**.



Figure 2 | Proposed trail alignment identifying the need for vegetation clearing (Source: Applicant's SEE 2023)

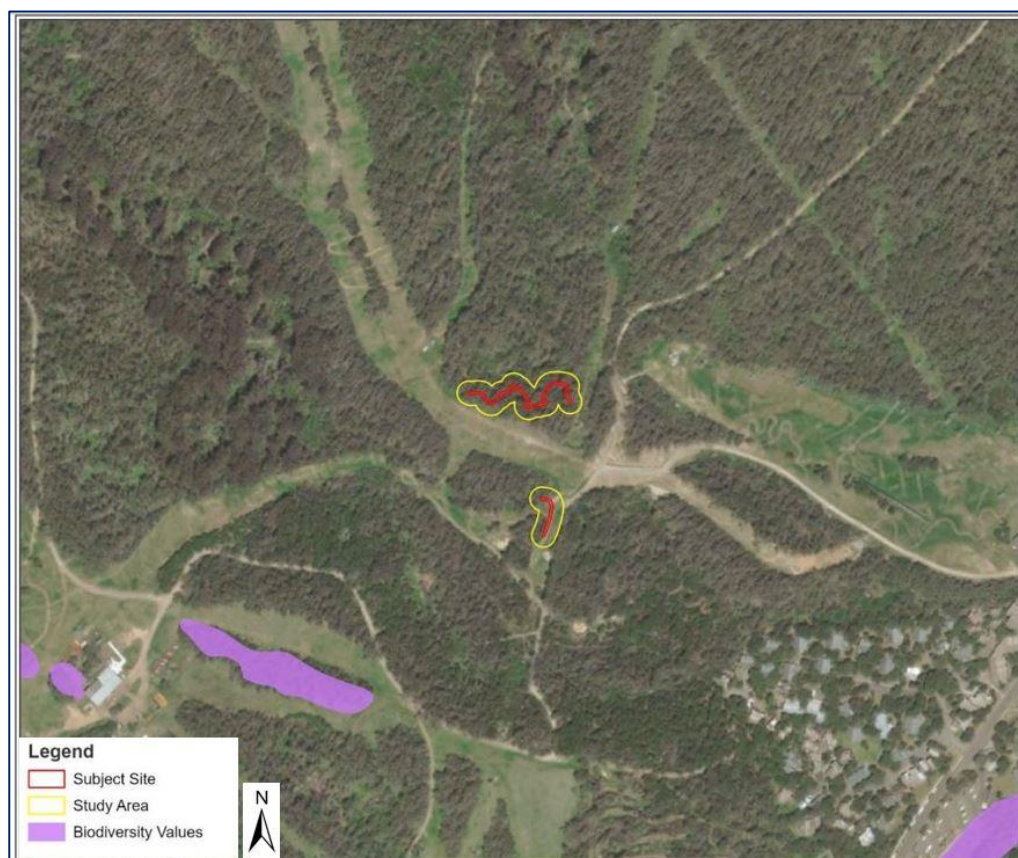


Figure 3 | Proposed trail alignment identifying the need for vegetation clearing (Source: Applicant's SEE 2023)

The estimated cost of works for the proposal is \$23,580.80.

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

South East and Tableland Regional Plan 2036

The proposal is consistent with the Regional Plan as it would provide a direct mountain bike trail connection to the new mid station gondola, allowing the resort to continue to meet the demands of the growing mountain biking community within Thredbo Alpine Resort, which leads to continued visitation to the NSW ski resorts during the summer period.

Snowy Mountains Special Activation Precinct Master Plan

Section 9.1 relates to the Thredbo alpine resort. The proposal is consistent with the Master Plan as the proposal will include rehabilitation of a significant portion the Thredbo mountain bike terrain whilst maintaining the ongoing use of the track for recreational infrastructure and tourism.

Precincts - Regional SEPP

The proposal is consistent with Chapter 4 of the Precincts - Regional SEPP as the development will be undertaken in an ecologically sustainable way to prevent adverse environmental, social or economic impacts on the natural or cultural environment, ensuring that KNP values are being protected and upheld.

Under the provisions of section 4.27 of the Precincts - Regional 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 environmental, social or economic 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 providing 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 mountain biking activity 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 construction of a node to an existing mountain bike trail is consistent with the definition of 'recreation infrastructure' as defined in the Precincts – Regional SEPP. Pursuant to section 4.7 of the Precincts – Regional SEPP, 'recreation infrastructure' is permissible with consent within Thredbo Alpine Resort.

2.3 Mandatory Matters for Consideration

Objects of the EP&A Act

Table 1 | Objects of the EP&A Act

Objects of the EP&A Act	Consideration
(a) 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,	<p>The proposal supports the ongoing use of Thredbo Alpine Resort for tourism through providing a trail node to allow for the continued use of the Lower All-Mountain Trail during periods of closure and rehabilitation.</p> <p>The works to the site would have positive social and economic impacts and provide for continued mountain bike trail access.</p>
(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,	<p>The proposal would not have an unacceptable impact on the environment thus being ecologically sustainable development. Mitigation measures during construction have been included in the recommended conditions of consent and impacts on biodiversity limited.</p>
(c) to promote the orderly and economic use and development of land,	<p>The Applicant comments that the development's impacts are expected to be positive as the development will allow for the trail to remain accessible while the sections of the main trail are required to be closed.</p> <p>The Department raised no concerns with the proposal as the works improve facilities within Thredbo Alpine Resort.</p>
(d) to promote the delivery and maintenance of affordable housing,	<p>Not applicable to this proposal.</p>
(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,	<p>Impacts upon the environment have been limited to avoid sensitive areas where possible. Minor impacts involved with clearing of native vegetation have been identified, with mitigation measures being implemented to reduce impacts. An assessment of impacts is provided in Section 4.</p>
(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),	<p>The proposed development is not anticipated to result in any impacts upon built and cultural heritage, including Aboriginal cultural heritage.</p>

NPWS commented that the potential for impacts on Aboriginal cultural heritage has been addressed in the SEE. No additional assessment is required.

(g) to promote good design and amenity of the built environment,	The Department considers that the proposal responds to its existing setting and minimises impacts upon the natural environment. See discussion in Section 4 .
(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,	The Department has recommended conditions of consent to ensure the proposal is undertaken in accordance with legislation, guidelines, policies and procedures to ensure the health and safety of people and animals who may be present in the area of works (refer to Appendix A).
(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,	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 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)(iiia) any planning agreement	Not applicable to the proposal.
(a)(iv) the regulations	The application satisfactorily meets the relevant requirements of the EP&A Regulation, particularly the

procedures relating to development applications (Part 3 and Part 4) and fees (Part 13 and Schedule 4).

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.

(a)(v) any coastal zone management plan	Not applicable to the proposal.
(b) the likely impacts of that development	The Department has considered the likely impacts of the development. Environmental impacts have been contained where possible and site works can be appropriately managed and mitigated through conditions of consent.
(c) the suitability of the site for the development,	The proposed trail utilises land close to the existing site to limit the amount of impact from the node. Further assessment can be observed in Section 4 .
(d) any submissions made in accordance with this Act or the regulations,	Consideration has been given to submissions received from the NPWS. Refer to Section 3 and 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, including the objective to encourage the carrying out a suitable range of development in the resort areas to support sustainable tourism in the Alpine Region. The development will be compatible with the ongoing operation of the resort.</p> <p>Temporary impacts to the environment have been identified and will be appropriately managed, mitigated and contained. The development is considered to support the economic viability of the Resort while maintaining the health and diversity of the environment, thereby supporting the principles of ESD.</p> <p>The approval of the proposal is considered to be consistent with the public interest.</p>

Environmental Planning Instruments

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

No contamination within the site and surrounding area has been identified. 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	No demolition of buildings is proposed under this DA.
Section 4.21 Heritage conservation	
European heritage	The proposal would not impact on any European heritage items.
Aboriginal heritage	<p>NPWS raised no concerns with the proposal, with the Aboriginal cultural heritage assessment following a suitable process.</p> <p>NPWS recommended that should any Aboriginal objects be uncovered during construction, any works impacting the objects must cease immediately and the NPWS contacted for assessment of the site.</p>
Section 4.24 Flood planning	
Development on land in the flood planning area	The site is not located in a flood planning area and is not subject to flooding.
Section 4.25 Earthworks	
Impact of earthworks	<p>The trail construction would involve removal of the existing vegetation and creation of the trail within the soil beneath. The Department considers that the earthworks proposed are unlikely to cause the disruption to, or adversely impact on, drainage patterns or soil stability in the locality of the development. Works will be undertaken to avoid impacts on the environment or the amenity of any park users while supporting the current use of the land.</p> <p>A condition of consent will require appropriate sedimentation and erosion control measures to be in place in accordance with the NPWS Guidelines.</p>

Section 4.27 Consultation with National Parks and Wildlife Service

Consult with, and consider submissions from, the NPWS

The proposal was referred to NPWS and comments were received. Refer to consideration of 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) *(repealed in November 2023)*

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

Not applicable to the development.

(d) the *Geotechnical Policy -Kosciuszko Alpine Resorts* published by the Department in November 2003,

The site is within the G zone identified on the Department's Geotechnical Policy – Kosciuszko Alpine Resorts Thredbo Map.

The Applicant commented that the development will not require excavation or fill in excess of one metre in vertical height and no structures are proposed. Therefore, a Form 4 is not required.

The Department has considered the Applicants comments and the objectives of the Geotechnical Policy. Construction of trails typically involve disturbance / excavation works within the top 500mm of the ground level. Stability issues associated with these works can be effectively addressed by trail builders. It is noted that no platforms are proposed in this DA, which would have involved footings to be constructed.

No further assessment on geotechnical matters is considered necessary.

(e) for development in the Perisher Range Alpine Resort—

Not applicable, as site is located within Thredbo Alpine Resort.

(i) the Perisher Range Resorts Master 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, | Refer to comments above. |
| (b) the extent to which the development will achieve an appropriate balance between -
(i) the conservation of the natural environment, and
(ii) taking measures to mitigate environmental hazards, including geotechnical hazards, bush fires and flooding, | The proposed works have been designed to avoid and mitigate impacts on the natural environment. The land is not subject to flooding and no measures to protect against bushfire are required.

Natural hazards have been adequately addressed. |
| (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 construction of the mountain bike trail will not result in visual impact on the locality. |
| (d) the cumulative impacts of development and resource use on the environment of the Alpine Subregion in which the development is carried out, | The works proposed relate to the creation of a mountain bike trail node that is not located on any biodiversity values (BV) mapped land. The development will not result in any changes to resource use or impact the 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, | No additional usage of the infrastructure and service network is predicted as a result of the project. |

(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 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.
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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	No negative impacts to stormwater are anticipated. Measures to mitigate 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.
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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 Kosciuszko National Park Plan of Management.
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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 the 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 works support the orderly and economic use of the site;
- the proposal is not expected to adversely impact upon the health, diversity, or productivity of the environment for future generations; 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 Applicant submitted a Flora and Fauna Assessment to address the requirements of the Biodiversity Assessment Method 2020. The Flora and Fauna Assessment determined that the proposed trail avoids land mapped on the BVM and that the 0.04 ha of native vegetation cleared as part of the proposal will not exceed the 1 ha threshold as required by the BOS. Further consideration of the submitted Flora and Fauna Assessment is provided in **Section 4**.

The Flora and Fauna Assessment also determined that the proposal is unlikely to have a significant impact on matters of National Environmental Significance (MNES) or Commonwealth land, and a referral to the Commonwealth Environment Minister is therefore not required.

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

Water Management Act 2000

The proposed development is classified as integrated development under section 4.46 of the EP&A Act as works occur within forty (40) meters of both an unarmed watercourse that is a tributary of Merrits Creek as well as within forty (40) meters of Merrits Creek **Figure 4**.

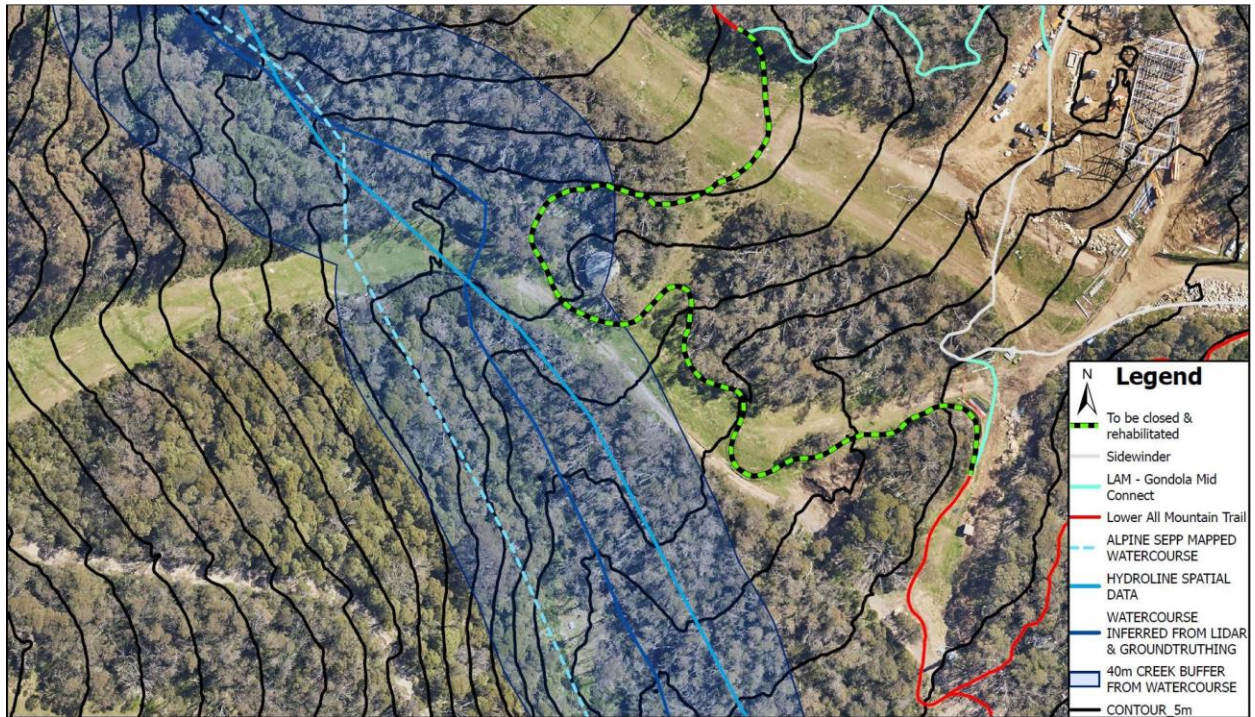


Figure 4 | Proposed trail alignment identifying the need for vegetation clearing (Source: Applicant's SEE 2023)

The application was referred to DPE Water, who have issued General Terms of Approval for the development. Prior to the commencement of work, the Applicant will need to obtain a Controlled Activity Approval (CAA) under the Water Management Act 2000.

The Department notes that the section of the Lower All Mountain Track that is within the 40m Buffer Zone is proposed to be closed and rehabilitated.

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 nominated integrated development applications be exhibited for a period of twenty-eight (28) days. The Department exhibited the application between 4 December 2023 to 12 January 2024 on the NSW Planning Portal and notified all lodges within Thredbo Village of the works.

The application was also forwarded to State government agencies in writing, including:

- DPE Water pursuant to section 4.46 (integrated development) of the EP&A Act as a Controlled Activity Approval under the Water Management Act 2000 is required for the development to be carried out (works are proposed within forty metres of Merritts Creek and an unnamed tributary), and the
- NPWS pursuant to section 4.15 of the Precincts - Regional SEPP

3.2 Summary of submissions

NPWS

NPWS, while being supportive of the proposal, commented that:

- there is no evidence to support the assertions in the documentation that erosions impacts of trails on ski slopes are greater than for trails in vegetated areas
- even if there were evidence to support those assertions, relocation of trails into vegetated areas does not provide a better environmental outcome when impacts such as vegetation clearing, habitat fragmentation and edge effects are considered.

NPWS also requested baseline trail condition monitoring data be collected on completion of trail construction, as well as ongoing monitoring of the trail condition to be performed annually, replicating the baseline monitoring data collection methodology used post-construction completion.

Additional NPWS recommended conditions for the management of impacts are identified in **Section 4**.

DPE Water

DPE Water issued General Terms of Approval (GTA) for the proposal, requiring a Controlled Activity Approval under the *Water Management Act 2000* as discussed in **Section 4**.

The Department has considered the Comments raised in the Government agencies submissions during the assessment of the application and through the recommended conditions in the instrument of consent at **Appendix A**.

Public Submissions

No public submissions were received during the assessment of the application.

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, and the submission from NPWS and DPE Water in its assessment of the proposal. The key issues in the Department's assessment of the proposal are:

- Impacts on biodiversity
- Construction impacts and access

4.1 Impacts on biodiversity

The Department has carefully considered the potential biodiversity impacts associated with the proposal, given the location of the site and the sensitive nature of the flora and fauna within the alpine area. The Department's assessment of the potential environmental impacts of the proposal along with appropriate mitigation and management measures are considered below:

Vegetation impacts

As discussed in **Section 1**, the proposed site has been chosen to avoid land listed as having high biodiversity values on the BVM (**Figure 1 - Figure 3**). The proposed trail will involve the total removal of approximately 0.04 ha of Subalpine Woodland. The Flora and Fauna Assessment that accompanied the DA concluded that the level of proposed clearing was appropriate and is unlikely to have significant effect on threatened species, populations or ecological communities or their habitats. The Applicant provided justification for locating the node in Subalpine Woodland, noting that the purpose of the development was to facilitate the closure of the existing Lower All mountain trail for rehabilitation, as well as providing a new and interesting trail for riders.

Comments from the NPWS confirm that there has been appropriate consideration of the BC Act for site disturbance and clearing. The development as proposed does not trigger the Biodiversity Offset Scheme under the BC Act. The NPWS raised no concerns with relation to the location of proposed works. NPWS recommended conditions to include implementation, maintenance, monitoring and reporting of the rehabilitation areas.

NPWS raised no additional concerns with the assessment of vegetation impacts identified in the SEE and Flora and Fauna Assessment.

Species impacts

The Applicant's Flora and Fauna Assessment notes that impacts to species are limited, possibly effecting the potential habitat of a limited amount of threatened fauna species. The impacted species were identified as the Broad-toothed Rat, Eastern Pygmy Possum, Gang-gang Cockatoo, Olive Whistler, Pink Robin, Scarlet Robin and the Flame Robin which are listed as 'vulnerable' under the *BC Act 2016* (BC Act). The Broad-toothed Rat is also listed as 'vulnerable' under the *Environmental Protection and Biodiversity Conservation Act 1999* (EPBC Act). The outcome of the threatened species assessment determined that it is highly unlikely that the development would significantly impact the threatened species concerned.

NPWS raised no additional concerns with the assessment of species impacts identified in the SEE and Flora and Fauna Assessment.

Conclusion

The Department is satisfied the Applicant has taken the appropriate steps to avoid, minimise and mitigate the proposal's biodiversity impacts consistent with the principles of the BC Act and Regulation.

Conditions are recommended to ensure areas impacted by construction be rehabilitated in accordance with the "*Rehabilitation Guidelines for the Resort Areas of Kosciuszko National Park (DECC 2007)*". Appointment of an Environmental Officer, engaged by the Applicant, will be required to review the works prior and during construction to ensure that the proposal meets the identified outcomes.

Additionally, NPWS has requested the Applicant submit a detailed Rehabilitation Management Plan, as mentioned in the SEMP, to NPWS and the Department for endorsement prior to approval.

The Department considers that impacts to the environment have been sufficiently avoided and mitigated. Consequently, the impacts are considered to be acceptable.

4.2 Construction impacts and access

Access to the site would be predominantly via the Mountain access road and existing track and ski slope.

Consistent with the previous trail construction within Thredbo Alpine Resort (i.e. Stage 1A, 1B, 1C and N4), the Applicant has based the proposed trail alignment on a corridor of 20 metres which is 10 metres either side of the ground-truthed alignment. The corridor allows for adjustments to the location of the final trail in response to any unforeseen circumstances that may occur, such as environmental constraints or objects that may be found in the corridor (such as rocks or tree roots).

The Department concludes that the proposed corridor width is satisfactory as it would enable the trail construction to review its alignment during construction, without the need for further assessment.

Construction management will be in accordance with the approved Site Environmental Management Plan (SEMP) and in consultation with NPWS.

The Department has recommended standard construction conditions applied in the Alpine area, along with recommended conditions from NPWS, including (but not limited to) baseline trail condition monitoring, and an update to the existing 'Thredbo Mountain Bike Trail Management Plan' (TMP) and 'Trail Inspection and Monitoring Plan' (TIMP) to encompass the new trail and incorporate its monitoring and reporting regime under both plans.

Subject to compliance with these conditions, the Department is of the view that the construction of the proposed works would not impact upon buildings located within proximity of the site or the environment.

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 proposal is permissible with consent under the Precincts - Regional SEPP
- there will not be a significant impact on any threatened species, populations or ecological communities, and the natural environment and cultural values associated with KNP are protected
- construction of the node to the existing mountain bike trail will minimise impacts to the environment while allowing for individuals of all skill levels to experience the natural environment within Thredbo Alpine Resort and KNP
- construction impacts are acceptable with impacts minimised, while acknowledging the works are consistent with the regional plan for the locality and supports visitation to the ski resorts
- the proposal is consistent with the requirements under the BC Act and EPBC Act.

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 23/14875, subject to the recommended conditions
- **signs** the attached Development Consent (**Appendix A**).

Recommended by:



Hugh Clark
Planning Officer
Alpine Resorts Team

Adopted by:



Erin Murphy
Team Leader
Regional Assessments
as delegate of the Minister for Planning

Appendices

Appendix A – Recommended Instrument of Consent