



# Kosciuszko Flow Trail realignment, Little Beauty Jumps Bypass and Wombat Walk Connector Mountain Bike Trails, Thredbo

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Development Application Assessment  
DA 24/964

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

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# Glossary

Abbreviation	Definition
<b>BC Act</b>	<i>Biodiversity Conservation Act 2016</i>
<b>BC Regulation</b>	<i>Biodiversity Conservation Regulation 2017</i>
<b>BDAR</b>	Biodiversity Development Assessment Report
<b>BVM</b>	Biodiversity Values Map
<b>Consent</b>	Development Consent
<b>CPP</b>	Community Participation Plan
<b>Department</b>	Department of Planning Housing and Infrastructure
<b>EP&amp;A Act</b>	<i>Environmental Planning and Assessment Act 1979</i>
<b>EP&amp;A Regulation 2021</b>	<i>Environmental Planning and Assessment Regulation 2021</i>
<b>EPBC Act</b>	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
<b>EPI</b>	Environmental Planning Instrument
<b>ESD</b>	Ecologically Sustainable Development
<b>KNP</b>	Kosciuszko National Park
<b>Minister</b>	Minister for Planning
<b>NPWS</b>	National Parks and Wildlife Service
<b>Planning Secretary</b>	Secretary of the Department of Planning Housing and Infrastructure
<b>SEE</b>	Statement of Environmental Effects
<b>SEPP</b>	State Environmental Planning Policy

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# 1 Introduction

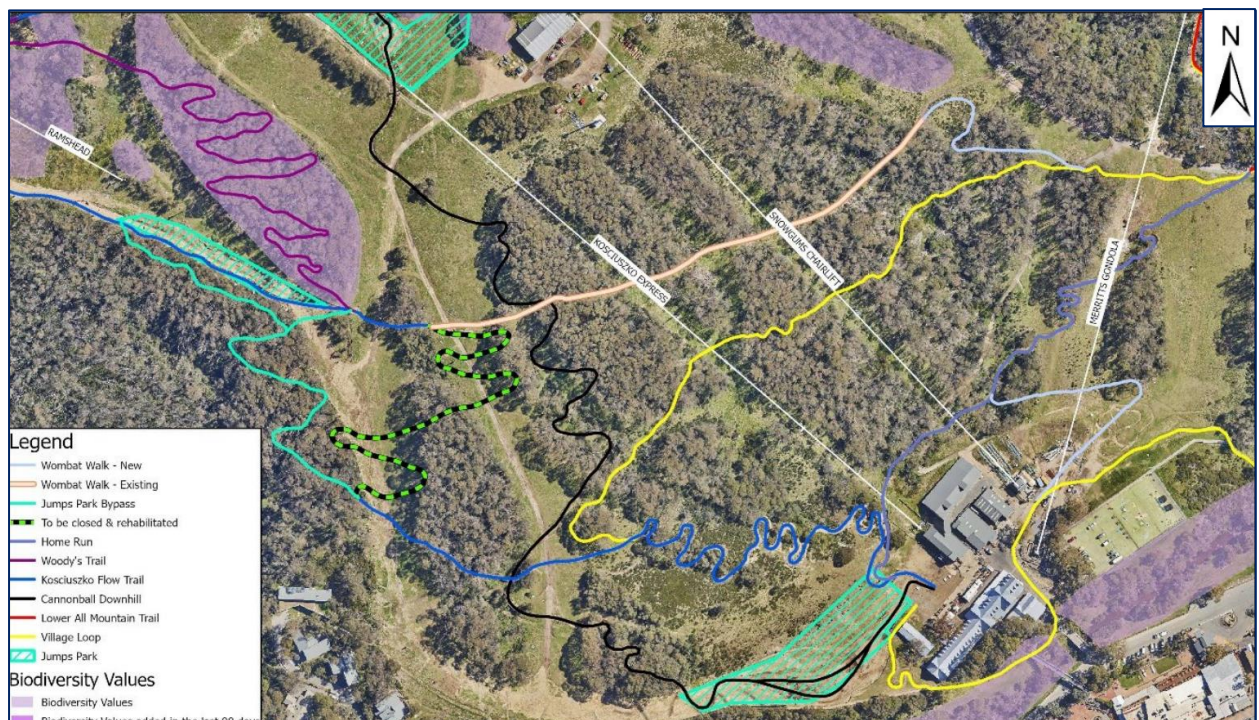
This report contains the Department's assessment of the Development Application (DA 24/964) lodged by Kosciuszko Thredbo Pty Ltd (the Applicant) seeking approval for the development of the Kosciuszko Flow Trail Realignment, Little Beauty Jumps Bypass and Wombat Walk Connector mountain bike trails within Thredbo Alpine Resort, Kosciuszko National Park (KNP).

The site is within the Thredbo Head Lease Area on land described as Lot 876 DP1243112.

The Applicant seeks approval for:

- The realignment of Kosciuszko Flow trail at the Little Beauty Jumps Park including:
  - new Jumps Park bypass mountain bike trail
  - the closure and rehabilitation of a section of the existing Flow Trail
- New Wombat Walk mountain bike trail which utilises the existing Wombat Walk access track
- Two new sections of Wombat Walk mountain bike trail including one platform
- Associated vegetation removal and earthworks

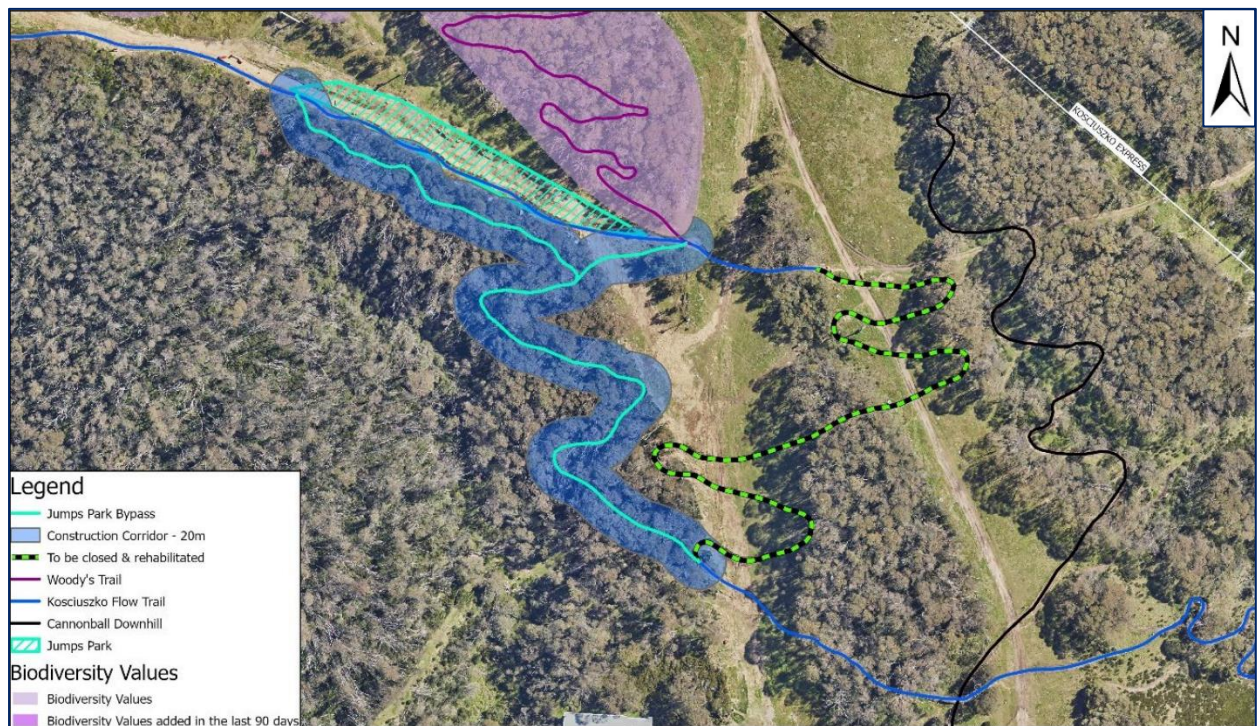
**Figure 1** provides an overview of the proposal.



**Figure 1** | Site map identifying the Kosciuszko Flow Trail, proposed closure, Jumps Park Bypass and Wombat Walk Connector mountain bike trails overview (Source: Applicant's Statement of Environmental Effects [SEE] 2024)



The Little Beauty Jumps Bypass is an intermediate technical trail of 400 metres in length which will commence at the top of the Little Beauty Jumps Park on the Kosciuszko Flow Trail, extend south, and connect back onto the Kosciuszko Flow Trail on the skier's right of the Lower Supertrail ski run. The realignment also includes a short linking trail below the jumps park from Woody's trail, see **Figure 2**.



**Figure 2 | Proposed trail alignment of Little Beauty Jumps Bypass (Source: Applicant's SEE 2024)**

The Applicant notes that the purpose of the Kosciuszko Flow Trail realignment is to enable the closure and rehabilitation of sections of the existing Kosciuszko Flow Trail that are located on the groomed ski runs (Milk Run and Lower Supertrail) that are subject to ongoing erosion issues and improve rideability by using natural terrain and features within the native vegetation.

The Wombat Walk Connector mountain bike trail is an intermediate technical trail approximately 693 metres in length comprising of 343 metres of the existing Wombat Walk access track; a 152 metre extension into Village Loop trail; and 198 metre link off Home Run trail to Snowgums Chairlift bottom station/Valley Terminal. The Wombat Walk Connector commences on the skiers left of the Milk Run ski run, follows the existing Wombat Walk access track onto the Village Loop and Home Run trails, then down to the base of Snowgums chairlift at Valley Terminal (via the lower section of Lovers Leap and Sundance ski runs), see **Figure 3**.

The Applicant notes that the purpose of the development, the Wombat Walk Connector, is to provide riders a trail that connects the western side of the trail network to the eastern side. With the planned upgrade of Snowgums Chairlift to a new 6-seat MTB compatible lift, a linking trail from the western side of the trail network will allow riders direct access to the Snowgums bottom station. This will help to alleviate the rider traffic and congestion often experienced at the bottom of the Kosciuszko Express chairlift during peak visitation periods. The proposal also includes a platform structure which will convey rides over an existing drainage flow path, minimising the impacts to the surrounding natural environment.





**Figure 3 |** Proposed trail alignment of Wombat Walk Connector to Village Loop trail and then on to Home Run trail to the bottom of Snowgums Chairlift bottom station/Valley Terminal. The figure also identifies the location of proposed platform over drainage flow path south of the existing Home Run platform (Source: Applicant's SEE 2024)

The proposed trail has been designed to avoid land listed as having high biodiversity (**Figure 2** and **Figure 3**). To facilitate the proposed trail, clearing of native vegetation would be required. The combined trail corridor disturbance for the development is 2732.5 m<sup>2</sup> (0.27 hectares) and the approximate area of native vegetation disturbance is 1300.0 m<sup>2</sup> (0.13 hectares), see **Figure 4** and **Figure 5**. 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 0.13 hectares of native vegetation (Subalpine Woodland) requiring clearing. An assessment of biodiversity impacts is provided in **Section 4**.





**Figure 4 |** Proposed trail alignment of Little Beauty Jumps Bypass identifying the need for vegetation clearing (Source: Photo point 17, Applicant's SEE 2024)



**Figure 5 |** Proposed trail alignment of Wombat Walk Connector towards Lovers Leap Ski Run identifying the need for vegetation removal. (Source: Photo point 8, Applicant's SEE 2024)



The cost of works (now Estimated Development Cost) for the proposal is \$110,580.53.

The 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 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 proposal is consistent with the Regional Plan as it will provide new trails and allows for the closure and rehabilitation of sections of trails. The proposal will allow 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 portions of the Thredbo mountain bike terrain, limits impacts upon sensitive vegetation, and supports the continued visitor base for mountain biking within Thredbo Alpine Resort and KNP.

#### 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 realignment of the Kosciuszko Flow Trail with the construction of the Little Beauty Jumps Bypass and Wombat Walk Connector Mountain Bike Trails, and ancillary works, consistent with the definition of 'Recreation 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, 'Recreation infrastructure' is permissible with consent within the Resort.

## 2.3 Mandatory Matters for Consideration

### Objects of the EP&A Act

Table 1 | Objects of the EP&A Act

Objects of the EP&A Act	Consideration
(a) 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 year-round use of Thredbo Alpine Resort. The Little Beauty Jumps Bypass will allow for the rehabilitation of the groomed ski run's, Milk Run and Lower Super Trail. The Wombat Walk Connector will allow for a west-east connection to alleviate the congestion experienced at the Kosciuszko Express chairlift during peak visitation period.</p> <p>Vegetation removal is required for the construction of the trails. The flexible construction corridor is minimised in two locations to avoid Biodiversity Values Mapped land. The proposed vegetation removal does not trigger the Biodiversity Offsets Scheme.</p> <p>The proponent has proposed measures to rehabilitate disturbed areas not within the trail width. 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 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 trail are closed. The Wombat Walk Connector will allow for a west-east connection to improve the user experience within the resort.</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,	Not applicable to this proposal.
(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 <b>Section 4</b>.</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> <p>NPWS commented that the potential for impacts on Aboriginal cultural heritage has been addressed in the SEE. No additional assessment is required.</p>
(g) to promote good design and amenity of the built environment,	<p>The Department considers that the proposal responds to its existing setting and minimises impacts upon the natural environment. See discussion in <b>Section 4</b>.</p>
(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,	<p>The Department has recommended conditions of consent to ensure the proposal and construction of the platform 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 <b>Appendix A</b>).</p>
(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,	<p>The Department consulted with relevant government agencies and considered their responses (refer to <b>Section 3</b> and <b>Section 4</b>).</p>



- (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)(iia) any planning agreement	Not applicable to the proposal.
(a)(iv) the regulations	<p>The application satisfactorily meets the relevant requirements of the EP&amp;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	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 within the Alpine Resort, close to existing recreation infrastructure and

	attempts to limit the amount of impact from the trails. Further assessment can be observed in <b>Section 4</b> .
(d) any submissions made in accordance with this Act or the regulations,	Consideration has been given to submissions received from the NPWS and DPE Water. Refer to <b>Section 3</b> and <b>Section 4</b> 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 - Kosciuszko 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

NPWS raised no concerns with the proposal, with the Aboriginal cultural heritage assessment following a suitable process.

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.

#### 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

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.

A platform is proposed to convey riders over the existing drainage flow path. The platform will be installed across the wet area/drainage line on Wombat Walk to minimise environmental impacts in the locality. The platform will be similar to the existing platform uphill of the site which forms part of the Home Run mountain bike trail.

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.

A condition of 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 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) <i>(repealed in November 2023)</i>	
(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 <i>Geotechnical Policy – Kosciuszko Alpine Reports</i>, Thredbo Map.</p> <p>The Applicant commented that development will not require excavation or fill in excess of one (1) metre in vertical height. An elevated platform, modular bridge and handrail, will be installed on the trail where it crosses a drainage line downslope of the existing Home Run trail platform.</p> <p>The application is supported by a Geotechnical Assessment and Form 4 (Minimal Impact Certification) prepared by ACT Geotechnical engineers Pty Ltd.</p> <p>The Geotechnical Assessment provides commentary and recommendations for installation of the proposed platform, which would need to be implemented during construction.</p>
(e) for development in the Perisher Range 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.	Not applicable, as site is located within Thredbo Alpine Resort.



#### Section 4.29 Consideration of environmental, geotechnical and other matters

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

(a) measures proposed to address geotechnical issues relating to the development,	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,	<p>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.</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,	The construction of the mountain bike trail/s 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 trails that are 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.

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.

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.

## 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 0.13 hectares of native vegetation cleared as part of the proposal will not exceed the one (1) hectare 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 a watercourse, see **Figure 6**.

The Flow Trail Realignment (diversion) with the construction of the Little Beauty Jumps Bypass is located within 40 m of a mapped watercourse. The Wombat Walk Connector is not located within 40m of a mapped watercourse.



**Figure 6 |** Proposed trail alignment showing the construction corridor of Little Beauty Jumps Bypass within 40 metres of a watercourse. (Source: Applicant’s SEE 2024)



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.

## 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 7 February 2024 to 5 March 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 the forty (40) metres of a watercourse for the Little Beauty Jumps Bypass], and the
- NPWS pursuant to section 4.27 of the Precincts - Regional SEPP

### 3.2 Summary of submissions

#### NPWS

NPWS, while being broadly supportive of the proposal commented that the incremental expansion of the Thredbo mountain bike trail network comes with cumulative impacts for the KNP environment which need to be managed by the proponent in consultation with NPWS, including:

- the potential for biodiversity impacts from further removal of remnant vegetation and habitat fragmentation, particularly for small mammals; and
- erosion of alpine humus soils from the steep slopes of the Thredbo Valley, and slope instability, particularly with limited trail surface hardening proposed.

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 mapped as having high biodiversity value on the BV Map (**Figure 2** and **Figure 3**). The flexible construction corridor is to be reduced in two locations to avoid Biodiversity Values (BV) mapped land. The proposed trails will involve the total removal of approximately 0.13 hectares 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.

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, the study area and immediate surrounds provides a small amount of potential habitat for threatened fauna species such as the Broad-toothed Rat, Eastern Pygmy-possum, Gang-gang Cockatoo, Olive Whistler, Pink Robin, Scarlet Robin and Flame Robin, which are listed as 'vulnerable' under the *BC Act 2016* (BC Act). Similar habitats are extensive in the locality and the habitats to be affected are small in the context of the extent of similar habitats contiguous with the study area. Furthermore, the proposal will not affect any potentially important habitats for threatened fauna species. The proposal will not sever any linkages between habitats or otherwise permanently restrict fauna movement.

NPWS generally agreed with the assessment and conclusions provided in Flora and Fauna Assessment in terms of species impact. NPWS did note that the Broadtoothed Rat (*Mastacomys fuscus mordicus*), which is known to occur in the area, is listed as endangered under the Environment Protection and Biodiversity Conservation Act 1999 (Cth) as of 15 November 2023 and future DA's should reflect this



updated listing. 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.

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 development site will be via the summer mountain access road. No temporary diversions or closures of existing trails will be required during construction of the Development.

Consistent with the previous trail construction within Thredbo Alpine Resort 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, except for the areas where a separation of 15 metres is required from 'no-go' areas and where the trail is adjacent to the BV mapped area. 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
- the construction of the mountain bike trails 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 24/964, subject to the recommended conditions
- **signs** the attached Development Consent (**Appendix A**).

**Recommended by:**



**Vince Di Bono**  
Planning Officer  
Alpine Resorts Team

**Adopted by:**



8/4/2024

**Erin Murphy**  
Team Leader  
Alpine Resorts Team, Regional Assessments  
as delegate of the Minister for Planning

# Appendices

## Appendix A – Recommended Instrument of Consent