

Notice of decision

Section 2.22 and clause 20 of Schedule 1 of the *Environmental Planning and Assessment Act 1979*

Application type	Development Application
Application number and project name	DA 24/1485 – Demolition of existing bobsled and associated infrastructure, construction of new mountain bike trail, vegetation removal and rehabilitation, Thredbo Alpine Resort.
Applicant	Kosciuszko Thredbo Pty Ltd
Consent Authority	Minister for Planning

Decision

The Team Leader of the Alpine Resorts Team, Regional Assessments, under delegation from the Minister for Planning has, under s.4.16 of the *Environmental Planning and Assessment Act 1979* (**the Act**) granted consent to the development application subject to the recommended conditions and any additional conditions.

A copy of the development consent and conditions is available:

<https://www.planningportal.nsw.gov.au/development-assessment/state-significant-applications/projects/state-development-applications>

A copy of the Department of Planning and Environment's Assessment Report is available:

<https://www.planningportal.nsw.gov.au/development-assessment/state-significant-applications/projects/state-development-applications>

Date of decision

26 July 2024

Reasons for decision

The following matters were taken into consideration in making this decision:

- the relevant matters listed in section 4.15 of the Act and the additional matters listed in the statutory context section of the Department's Assessment Report;
- the prescribed matters under the *Environmental Planning and Assessment Regulation 2021*;
- the objects of the Act;
- all information submitted to the Department during the assessment of the development application and any additional information considered in the Department's Assessment Report;
- the findings and recommendations in the Department's Assessment Report; and
- the views of the community about the project (see **Attachment 1**).

The findings and recommendations set out in the Department's Assessment Report were accepted and adopted as the reasons for making this decision.

The key reasons for granting consent to the development application are as follows:

- the project is permissible with development consent under the *State Environmental Planning Policy (Precincts - Regional) 2021* and is consistent with NSW Government policies including the draft *South East and Tableland Region Plan 2041* aim to increase visitation to NSW ski resorts;
- the impacts on the community and the environment can be appropriately minimised or managed to an acceptable level, in accordance with applicable NSW Government policies and standards. The consent authority has imposed conditions relating to construction standards, environmental considerations, post construction certification and rehabilitation;
- the issues raised by the community during consultation and in submissions have been considered and adequately addressed by the Applicant and in the Department's Assessment Report; and
- weighing all relevant considerations, the project is in the public interest.

Attachment 1 – Consideration of Community Views

The Department's Community Participation Plan (CPP), November 2019, prepared in accordance with Schedule 1 of the *Environmental Planning and Assessment Act 1979* (the Act) requires nominated integrated development applications to be exhibited for a period of 28 days. The Department exhibited the application on the NSW Planning Portal website between 21 February 2024 and 20 March 2024.

Pursuant to s. 4.46 of the Act (integrated development) the application was referred to the Department of Planning and Environment - Water (DPE Water) as consideration is required for development on waterfront land (within 40 metres of a water course) in accordance with the *Water Management Act 2000*.

Pursuant to s. 4.27 of the *Precincts - Regional SEPP*, the application was referred to the National Parks and Wildlife Service (NPWS) for land within an alpine resort within KNP.

The Department also notified lodges within Thredbo Village of the development proposal.

Comments were received from DPE Water and NPWS which have been considered and addressed in detail in the Department's Assessment Report.

One public submission was received commenting about the proposal. The key issues raised by the community member and considered in the Department's Assessment Report and by the decision maker include the cumulative impact of mountain bike trails and the impact to the environmental values of Thredbo Alpine Resort, within the Kosciuszko National Park. The issues are addressed in detail in the Department's Assessment Report and tabulated below.

<i>Issue</i>	<i>Consideration</i>
<p><i>The cumulative impact of development fails to be truly considered and Thredbo is losing its natural assets, attractions and amenity.</i></p> <ul style="list-style-type: none">• concern for the cumulative impact of mountain bike trail development on Thredbo Alpine Resort• impact of development on the flora and fauna, and non-MTB users of the Resort, within KNP.	<p><i>Assessment</i></p> <ul style="list-style-type: none">• The Department has consulted with the NPWS, and as a general comment, the NPWS were broadly supportive of the proposed development and the associated economic and social benefits it might bring to the Kosciuszko National Park (KNP) and surrounding region.• However, the NPWS noted 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.• The cumulative impact of development is a consideration in the Department's assessment of the proposal. The assessment has concluded that the Department is satisfied that the measures proposed are adequate to ensure the alpine environment will not be significantly impacted by the development and will avoid significant loss of amenity to Park users.• The consent authority has assessed the proposal and is satisfied that the proposed works are acceptable. <p><i>Conditions</i></p> <ul style="list-style-type: none">• 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.