



# Bobsled Demolition and Mountain Bike Trail Works, Thredbo

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Development Application Assessment  
DA 24/1485

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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 24/1485) lodged by Kosciuszko Thredbo Pty Ltd (the Applicant) seeking approval for the demolition of the existing bobsled track and then works to construct a mountain bike trail in its place, 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 proposal includes:

- the demolition of the existing bobsled including –
  - removal of the bobsled track, footings, and uphill line
  - removal of drive and return stations (bull wheel, fencing, etc.) with services to be disconnected
- the decommissioning of the bottom station (operators' hut and deck), including the disconnection of services associated with the bobsled
- new mountain bike trail (MTB) which will primarily follow the existing disturbed areas of the bobsled track alignment with the exception of trail sections required for the trail entry and exit, requiring removal of native vegetation.
- site stabilisation and revegetation works

The proposed trail would be an intermediate trail, approximately 740m in length with rollers, drops, berms, hip and table-top jumps – **Figure 1** provides an overview of the proposal. The existing bobsled track and selected infrastructure will be removed to facilitate the construction of the new mountain bike trail (Bobsled mountain bike trail). The bottom station (operators' hut and deck) will be retained to provide pedestrian access from the VT side of the Resort, west, towards Woodridge subdivision and Friday Flat.

The proposal initially included the construction of a wall ride and demolition of the bottom station (operators' hut and deck). The Applicant amended the proposal during the assessment phase to no longer include a wall ride, and to also retain the bottom station.

The proposed trail (shown in blue) would start to the north west of the development area at the point where the existing Village Loop (shown pink) and Home Run mountain bike trails meet (shown green). A section of trail, the trail entry, will travel east until it meets the existing bobsled track route/alignment. The trail would then follow the bobsled track alignment as it moves south towards the operators' hut. As the trail reaches the bottom station, it then leaves the bobsled alignment at the bobsled uphill line and another section of trail will move west until it meets the Village Loop trail for the trail exit.

The Applicant notes that the purpose of the project is to provide an alternate route for riders to access the Valley Terminal (VT) base station, and aid in the distribution of rider traffic entering the VT base station. The alternate route would provide direct access to the Snowgums Chairlift bottom station from the eastern side of the Resort without having to travel through the highly trafficked base station area from the western side.

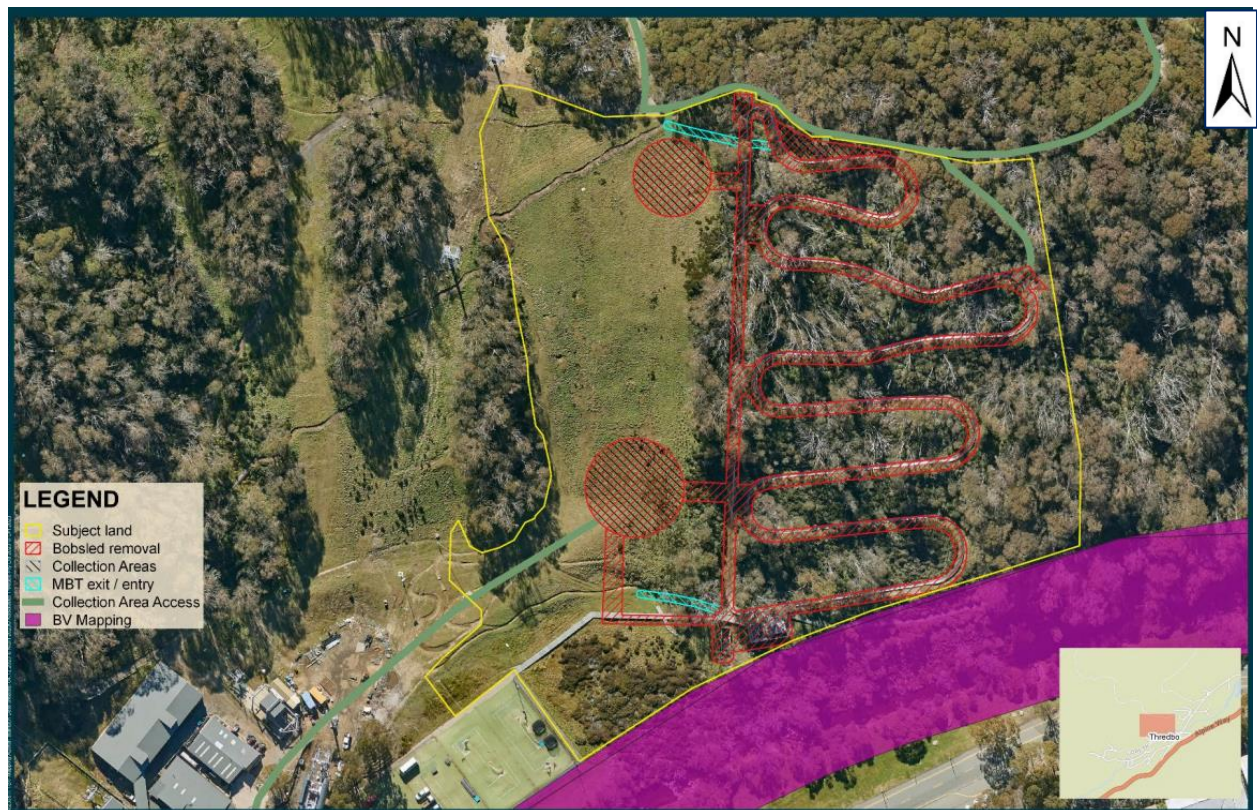




**Figure 1 |** Site Plan identifying the proposed alignment of the new mountain bike trail (Source: Applicant's Statement of Environmental Effects [SEE] 2023)

The subject site is located to the east of the Valley Terminal (VT) adjacent to the 'Sundance' ski run, and to the north of the Thredbo River, within the Thredbo Alpine Resort. The proposed mountain bike trail alignment will avoid sensitive vegetation, and land included in the NSW Biodiversity Values Map (BVM) adjacent to the Thredbo River (see **Figure 2**). There are no works proposed for the areas of the site included in the BVM.





**Figure 2 |** The development area, the location of the Biodiversity Values mapped land is shown highlighted purple to the south of the demolition and construction area (Source: Applicant's SEE 2023)

The total area of the Resort impacted by the proposal for the demolition and construction works would be 0.61 hectares. The total area impacted includes areas of the existing bobsled track alignment; related bobsled infrastructure; locations where parts of bobsled infrastructure will be placed temporarily during demolition; and the new trail entry/exit. The bobsled demolition would impact 0.59 hectares (shown red in **Figure 2**) and the mountain bike trail a further 0.21 hectares for the trail entry and exit (shown in blue). Most of the new trail will be constructed within the pre-disturbed areas of the bobsled track.

Within the existing disturbed areas, the clearing of native vegetation will be limited to the trimming of low hanging branches, removal of shrubs and ground cover. The construction of the trail entry and exit would also require the removal of native vegetation (see **Figure 3** and **Figure 4**). The Applicant notes, the removal of two Eucalypt trees ('stags') at the trail exit may 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 total disturbance footprint and native vegetation (trees, shrubs and scrub) requiring clearing. An assessment of biodiversity impacts is provided in **Section 4**.

The cost of works (now Estimated Development Cost) for the proposal is \$201,964.95.

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>





**Figure 3 |** Trail entry, looking east from where Village Loop and Home Run mountain bike trails meet, the trail commences at the junction with the existing Village Loop and Home Run MTB trails. Vegetation would require clearing for the trail entry (Source: Applicant's SEE 2023)



**Figure 4 |** Trail exit, looking west from bottom station, the trail will leave the existing bobsled track alignment and link onto the existing Village Loop Trail. Two trees may require removal to facilitate the trail exit (Source: Applicant's SEE 2023)



## 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 a new trail and for the most part use pre-disturbed areas of the bobsled track. The proposal will allow the resort to continue to meet the demands of the growing mountain biking community visiting Thredbo Alpine Resort, which leads to continued visitation to the NSW ski resorts during the summer period and strengthening resilience.

#### 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 enhance the on-mountain experience by increasing access to supporting infrastructure for MTB trail users, while largely using pre-disturbed areas for the new section of trail, contributing to protection of the environment and visitor amenity within Thredbo Alpine Resort.

#### 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 (PoM) 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, which 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 includes measures to avoid and mitigate adverse biodiversity impacts. The proposal 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 demolition of the bobsled and selected related infrastructure. The proposal also includes the construction of the Bobsled mountain bike (MTB) trail. The MTB trail is 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 4.9 of the Precincts – Regional SEPP the demolition of a building or work on land in the Alpine Region is permissible with consent. 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 year-round use of Thredbo Alpine Resort. The 'Bobsled' MTB trail will primarily use the existing disturbed areas of the bobsled track alignment.</p> <p>Vegetation removal is required for the construction of the trails. 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/mitigated.</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 new section of MTB trail will provide an alternate route for riders to access the Valley Terminal (VT) base station. This would aid in the distribution of rider traffic entering the VT base station and provide direct access to the Snowgums Chairlift bottom station from the eastern side, as</p>



opposed to having to navigate through the highly trafficked base station area from the western side, which will improve the user-experience within the Resort.

The Department raised no concerns with the proposal as the works improve facilities within Thredbo Alpine Resort.

(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,	Impacts upon the environment have been limited, the proposal will avoid sensitive areas. 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> .
(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,	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> .
(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 and demolition of existing structures 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> ).
(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 <b>Section 3</b> and <b>Section 4</b> ).
(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 <b>Section 3</b> ).

## 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	<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 Thredbo 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, DPE Water and the Public. Refer to **Section 3** and **Section 4** of this report.

(e) the public interest.

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.

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.

The approval of the proposal is considered to be consistent with the public interest.

## 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

Demolition of the existing bobsled and related infrastructure is proposed under this DA.

The Department has recommended conditions of consent to ensure the proposal and demolition of existing structures 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**).

#### 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 in the event that an Aboriginal object is uncovered during completion of the works, that work ceases in the relevant area of the subject site and that the object is protected from harm. The NPWS must then be notified to arrange for assessment of the object.

#### 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.

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 application is supported by a Geotechnical Assessment and Form 4 (Minimal Impact Certification) prepared by Asset Geotechnical Engineering Pty Ltd (trading as AssetGeoEnviro).</p> <p>The Geotechnical Assessment determines that the proposed works are of such a minor nature that the requirement for geotechnical advice in the form of a geotechnical report, prepared in accordance with the “policy” is considered unnecessary.</p> <p>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.</p> <p>The Department raises no concerns with the proposal.</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 -<br><br>(i) the conservation of the natural environment, and<br><br>(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, the operators' hut (bottom station) is to be decommissioned.</p> <p>The Department will include conditions that any future use of the building/structure is to be subject of a future DA, so that bush fire and geotechnical hazards can be assessed separately for the new use proposed.</p> <p>Natural hazards have been adequately addressed for this DA.</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 will not result in visual impact on the locality or land identified as the Main Range Management Unit in the KNP Plan of Management (PoM).  |
| (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 works proposed relate to the construction of a mountain bike trail 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.</p> <p>The NPWS comments that it is encouraging to see previously disturbed areas utilised for new trails; however, 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.</p> <p>The Department has applied conditions to the approval to mitigate the cumulative impacts for the KNP environment from development that has the potential to bring economic and social benefits to the area.</p> |

(i) 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 beyond existing capacity.
(j) 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 <b>Section 4</b> 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 the 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 BC Act. The Flora and Fauna Assessment determined that:

- 0.61 hectares of native vegetation would be impacted and potentially removed as part of the proposal which does not exceed the one (1) hectare threshold as required by the BOS;
- BV Mapping occurs immediately south of the subject land along the Thredbo River. Provided the proposal is undertaken strictly within the nominated development footprint, it will not involve clearing or disturbing BV mapped land;
- potential impacts on threatened entities were considered, and Tests of Significance (ToS) prepared where required. It was concluded that a significant effect on threatened entities was not likely. The extent of clearing is of small magnitude and ample high-quality foraging and breeding habitat remains in the immediate area for relevant species. The proposed development was not considered to cause a significant detrimental impact nor interfere with the recovery of these species; and
- The site is not an area of Outstanding Biodiversity Value.

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

The accompanying Biodiversity Assessment concluded the proposed development is unlikely to result in any significant impacts to listed threatened species or ecological communities under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). Therefore, a referral to the Commonwealth Environment Minister is not recommended in this instance.

Further consideration of the submitted Flora and Fauna Assessment is provided in **Section 4**.

## 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) metres of a watercourse.

The following works are proposed within forty (40) metres of the Thredbo River, as shown in **Figure 5** below:

- the removal of the drive station (bullwheel, fencing, etc.);
- removal of southernmost section of existing bobsled track;
- decommissioning of bottom station (operators' hut);
- construction works for the proposed mountain bike trail; and
- site stabilisation and revegetation works.



**Figure 5 |** Proposed demolition and trail works, showing the demolition works and construction corridor of the new mountain bike trail within 40 metres of a watercourse. (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*.

## 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 21 February 2024 to 20 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 – i.e., for works proposed on waterfront land / within forty (40) metres of a watercourse.
- NPWS pursuant to section 4.27 of the Precincts - Regional SEPP

### 3.2 Summary of submissions

#### NPWS

NPWS considered the relevant provisions of the KNP Plan of Management and determined that the proposed works are consistent with the management objectives for section 10.2 (*Alpine Resorts Management Units*), section 10.4 (*Thredbo Management Unit*), section 11.6 (*Environmental Quality*) and chapter 8 (*Recreation*).

NPWS noted, as a general comment, they 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, while being broadly supportive of the proposal 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 recommended conditions for the management of impacts to environmental values as 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**

The Department received one (1) public objection during exhibition.

The objection raised by the submitter primarily related to the cumulative impact of mountain bike trails and the impact to the environmental values of Thredbo Alpine Resort, within the Kosciuszko National Park.

## 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, DPE Water and the Public in its assessment of the proposal. The key issues in the Department's assessment of the proposal are:

- Impacts on biodiversity
- Proximity to waterfront land
- Construction impacts and access
- Cumulative impacts of mountain bike trail development

### 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 proposal will avoid sensitive vegetation and BV mapped land adjacent to Thredbo River (see **Figure 2**). The total disturbance footprint of the proposal would be 0.61 hectares, including 0.59 hectares of area impacted by demolition of the bobsled and an additional 0.21 hectares for construction of the trail exit/entry.

The uphill alignment of the bobsled track – the north-south length of bobsled track between the drive and return stations – will not be used for the new trail. The ground will be graded back to remove small trough left where track has been sitting, using a small excavator, and then rehabilitated per detailed rehabilitation plan submitted by the Applicant.

For construction of the trail, vegetation removal would be required along the 740-metre length of the trail corridor which has an average trail width of 2.5 metres. Therefore, approximately 0.19 hectares of land would be directly impacted by the construction of the trail.

The Flora and Fauna Assessment (The Biodiversity Offset Scheme Evaluation) that accompanied the DA found the proposal does not trigger the Biodiversity Offset Scheme. The assessment 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 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. NPWS raised no concerns with relation to the location of proposed works.

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 proposal is unlikely to significantly impact any NSW or Commonwealth threatened species, community or population.

### Flora

Based on the plant species identified during field work, one Plant Community Type (PCT) was identified across the subject land: *PCT 3306 – Kosciuszko Alpine Ash High Wet Forest*. *PCT 3306 – Kosciuszko Alpine Ash High Wet Forest* – is not associated with any Threatened Ecological Community (TEC). Based on the habitat in the subject land, there were no threatened flora species considered to have a 'possible' occurrence.

### Fauna

The subject land contains multiple habitat features that support and show signs of biodiversity in the area. The habitat features within the subject land consist of Wombat (*Vombatus ursinus*) burrows, fauna pellets and scats, mistletoe, fallen trees, and food sources for fauna. The food sources in the area are directly correlated with *PCT 3306* (e.g. eucalypt seeds) and the species evaluated within the Habitat Evaluation Table are assessed against these food sources, and the before mentioned habitat features.

The report noted that five wombat burrows were recorded in the subject land – these may be multiple burrow entrances belonging to one individual or there may be several individuals occupying the subject land. Although these are common species, wombats are protected under the BC Act. Burrows must not be filled in unless they have been confirmed inactive over several days. Thus, measures should be taken to minimise the likelihood of harm for wombats during works.

Seven threatened fauna species are considered to have a 'high' likelihood of occurrence based on the habitat in the subject land. It was determined, the Gang-gang Cockatoo and Broad-toothed Rat have a high potential for impact and Tests of Significance were carried out for these species. It was concluded that a significant effect on threatened entities was not likely.

NPWS generally agreed with the assessment and conclusions provided in the Flora and Fauna Assessment in terms of species impact. However, NPWS also noted:

- 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 DAs should reflect this updated listing.
- that the Flora and Fauna Assessment Report does not consider the impacts of the proposed development on the Eastern Pygmy Possum (*Cercartetus nanus*) which are known to occur in the Thredbo Valley. Given that the subject site is largely pre-disturbed with minimal shrub and tree removal proposed, we do not consider that this will change the overall outcome of the assessment.

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. The Department will include conditions to ensure the fauna identified (e.g. wombats) are protected during the demolition and constructions works.



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 Proximity to waterfront land**

The proposal includes demolition and construction works within forty (40) metres of Thredbo River. While the development site and locality has already been disturbed in the proximity of the bottom station (operators’ hut), the Department seeks to prevent any further disturbance and degradation of the areas and for effective management and enhancement of riparian corridors.

The application was referred to DPE Water who have issued General Terms of Approval for the proposal. Conditions have placed on the approval by DPE Water who have required the Applicant to obtain a Controlled Activity Approval (CAA) for the works.

The Department is therefore satisfied that construction impacts are capable of being managed subject to compliance with relevant agency requirements. The measures proposed by the Applicant together with development conditions will be adequate to ensure appropriate mitigation and management measures are in place to ensure riparian land and values and water quality, within the development footprint, or off-site will not be diminished by the development.

#### **4.3 Construction impacts and access**

Proposals within the Alpine Resorts are required to consider the impact of construction activities upon the environment. In this regard, the Applicant has provided details as to how access to the construction sites will be achieved by vehicles and implements via existing access track/roads.

The site would be accessed via two locations off Friday Drive, via Valley Terminal base station between Snowgums and Merritts Gondola base stations and/or via the summer mountain access road via Mountain Drive.

Installation of temporary closures and diversions required for the Village Loop Mountain Bike (MTB) trail and Merritts Nature Track for when works are being carried out in proximity. Closures and diversions will be managed by the KT Mountain Bike Operations team.

For demolition works, temporary material collection areas would be located on the heavily disturbed Sundance ski run (refer to **Figure 2** collection areas). The Applicant notes, removal of track parts from the upper eastern section would likely utilise the existing Merritts Nature Track to the mountain access road. Removal of infrastructure and track parts on the lower section would likely utilise the existing Village Loop MTB trail to minimise environmental disturbance. Materials would then be transported from the collection areas to Friday Flat for removal offsite. For construction works, any excess excavated material will be removed from site and transported to the main stockpile area within the Resort (i.e. lower overflow carpark area).

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 is required from 'No Go' areas and where the trail is adjacent to the BVM land near the Thredbo River. 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. 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.

#### **4.4 Cumulative impacts of mountain bike trail development**

The Public submission received objected to the proposed development based on concern for the cumulative impact of mountain bike trail developments on the environmental values within Thredbo Alpine Resort, Kosciuszko National Park (KNP).

As identified above, 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 in their submission 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 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.

The Department is therefore satisfied that the measures proposed are adequate to ensure appropriate mitigation and management measures are in place to ensure the alpine environment will not be significantly impacted or diminished by the development and works can be undertaken and managed to avoid significant loss of amenity to Park users.

## 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:

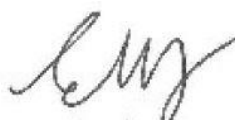
- **considers** the findings and recommendations of this report
- **accepts** and adopts the findings and recommendations in this report as the reasons for making the decision to grant consent to the application
- **agrees** with the key reasons for approval listed in the notice of decision
- **grants** consent for the application in respect of DA 24/1485, subject to the recommended conditions
- **signs** the attached Development Consent (**Appendix A**).

**Recommended by:**



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

**Adopted by:**



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



# Appendices

## Appendix A – Recommended Instrument of Consent