



# Lower Supertrail Snowmaking, Thredbo Modification

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Modification Application Assessment (MOD 24/10002 (DA 23/12108 MOD 1))

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

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# Glossary

Abbreviation	Definition
BCA	Building Code of Australia
BC Act	<i>Biodiversity Conservation Act 2016</i>
BC Regulation	<i>Biodiversity Conservation Regulation 2017</i>
BVM	Biodiversity Values Map
Consent	Development Consent
Department	Department of Planning, Housing and Infrastructure
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2021</i>
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
EPI	Environmental Planning Instrument
ESD	Ecologically Sustainable Development
KNP	Kosciuszko National Park
Minister	Minister for Planning and Public Spaces
NPWS	National Parks and Wildlife Service
Planning Secretary	Secretary of the Department of Planning, Housing and Infrastructure
SEPP	State Environmental Planning Policy

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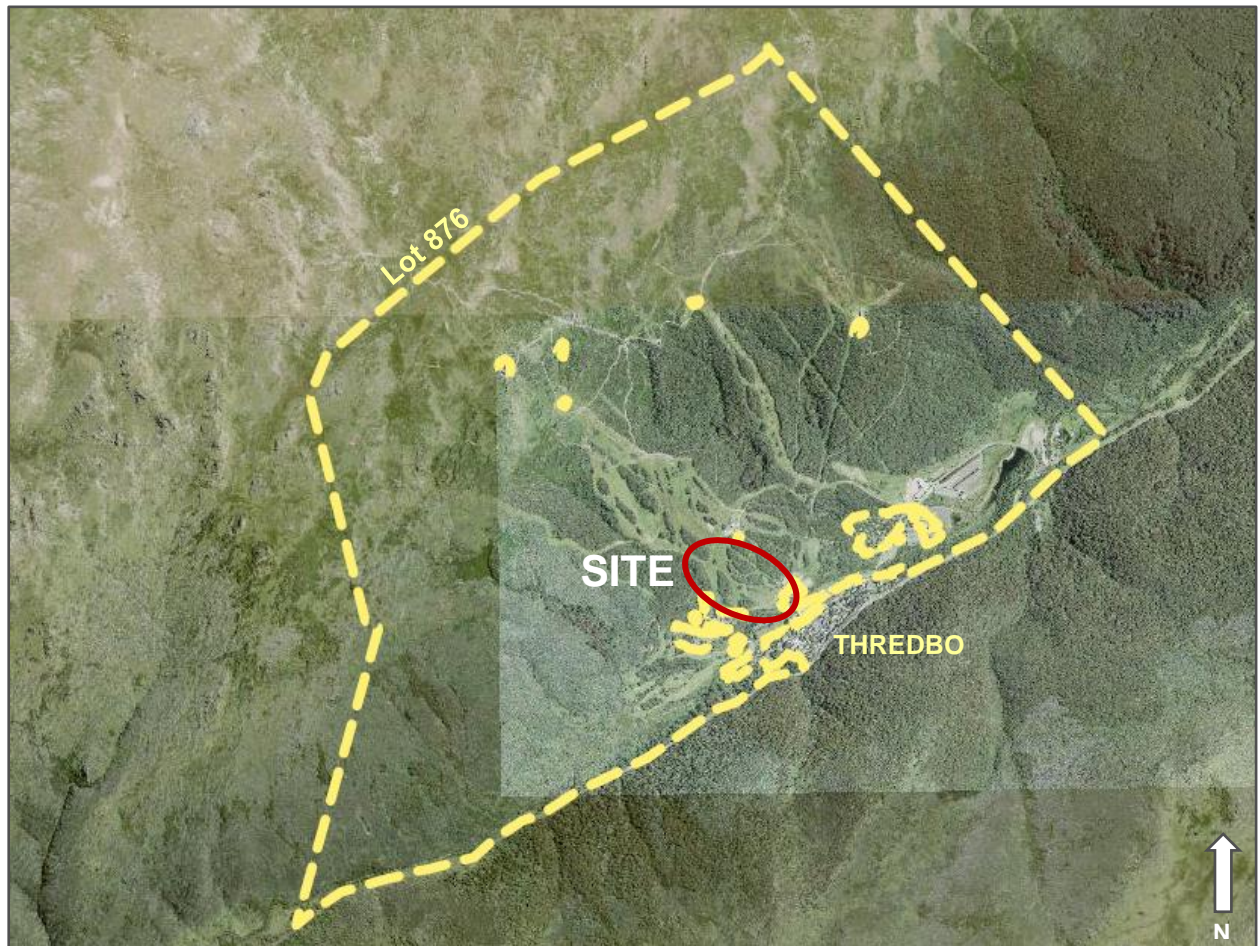
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# 1 Introduction

The modification application seeks approval to modify development consent (DA 23/12108) for the installation of new snowmaking infrastructure within an area of Lot 876 DP 1243112 known as the Lower Supertrail Ski Run, Thredbo Alpine Resort within Kosciuszko National Park (KNP) (**Figure 1**).

The application has been lodged by Kosciuszko Thredbo Pty Ltd (the Applicant) pursuant to section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).



**Figure 1** | Site (red) in context of Thredbo Village and adjoining buildings (Source: SIX Maps)

On 6 December 2023, the then Principal Planning Officer of the Alpine Resorts Team, as delegate of the Minister for Planning, granted consent to a Development Application (DA 23/12108) for the installation of snowmaking infrastructure installation and upgrade works comprising:

- vegetation clearing and removal of existing snowmaking infrastructure,
- removal of existing snowmaking infrastructure,
- installation of snowmaking infrastructure including electricity and dialogue services,
- trenching and excavation works, and
- rehabilitation works.

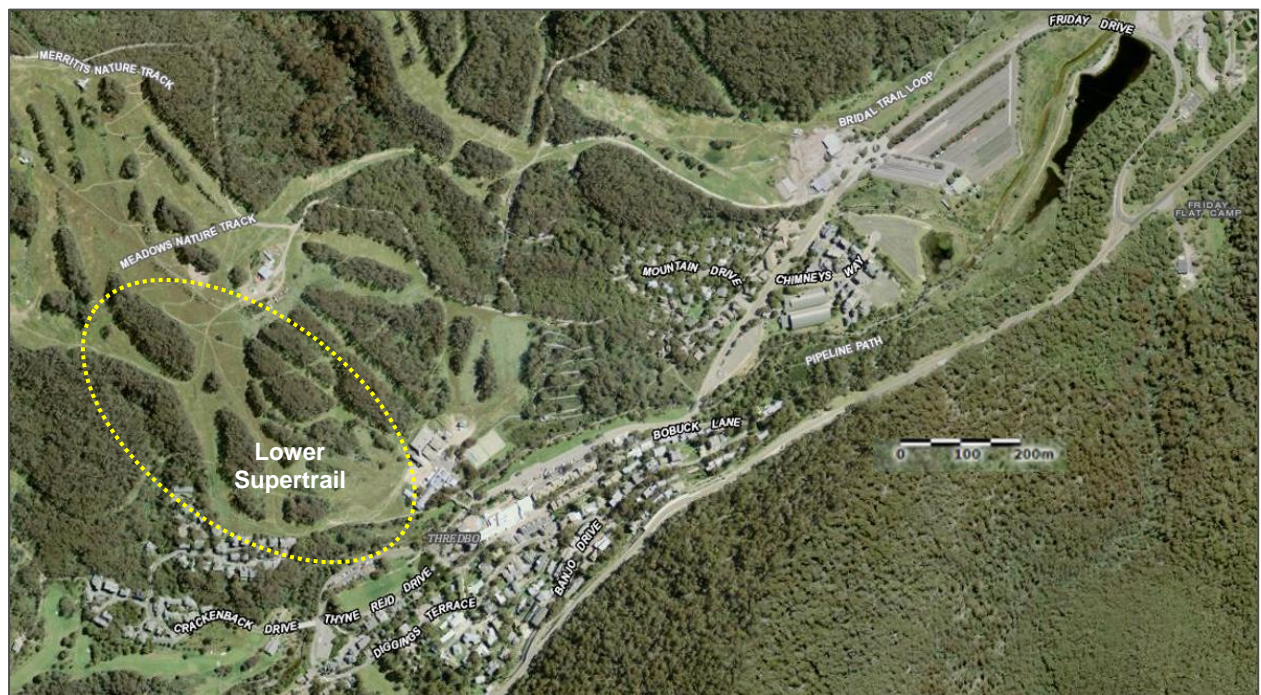


This proposal to modify DA 23/12108 seeks to alter the consent as follows:

- replacement of an existing hydrant with a snowmaking pit and lance gun,
- changes to the location of previously proposed snowmaking infrastructure (not constructed) and changed trenching locations to install new laterals, dialogue and electricity pipes and cables, and
- to increase the construction corridor.

The Minister for Planning is the consent authority for development within a ski resort in KNP and the proposal is permissible with consent under the provisions of *State Environmental Planning Policy (Precincts – Regional) 2021* (the Precincts – Regional SEPP).

The site is located within Thredbo Alpine Resort, which is approximately thirty (30) kilometres south-west of Jindabyne in the southern part of KNP. Thredbo is a year-round tourist destination resort catering for both winter and summer activities. The development site adjoins the 'Lower Supertrail' ski run, located to the north west of Valley Terminal in Thredbo Village – **Figure 2**.



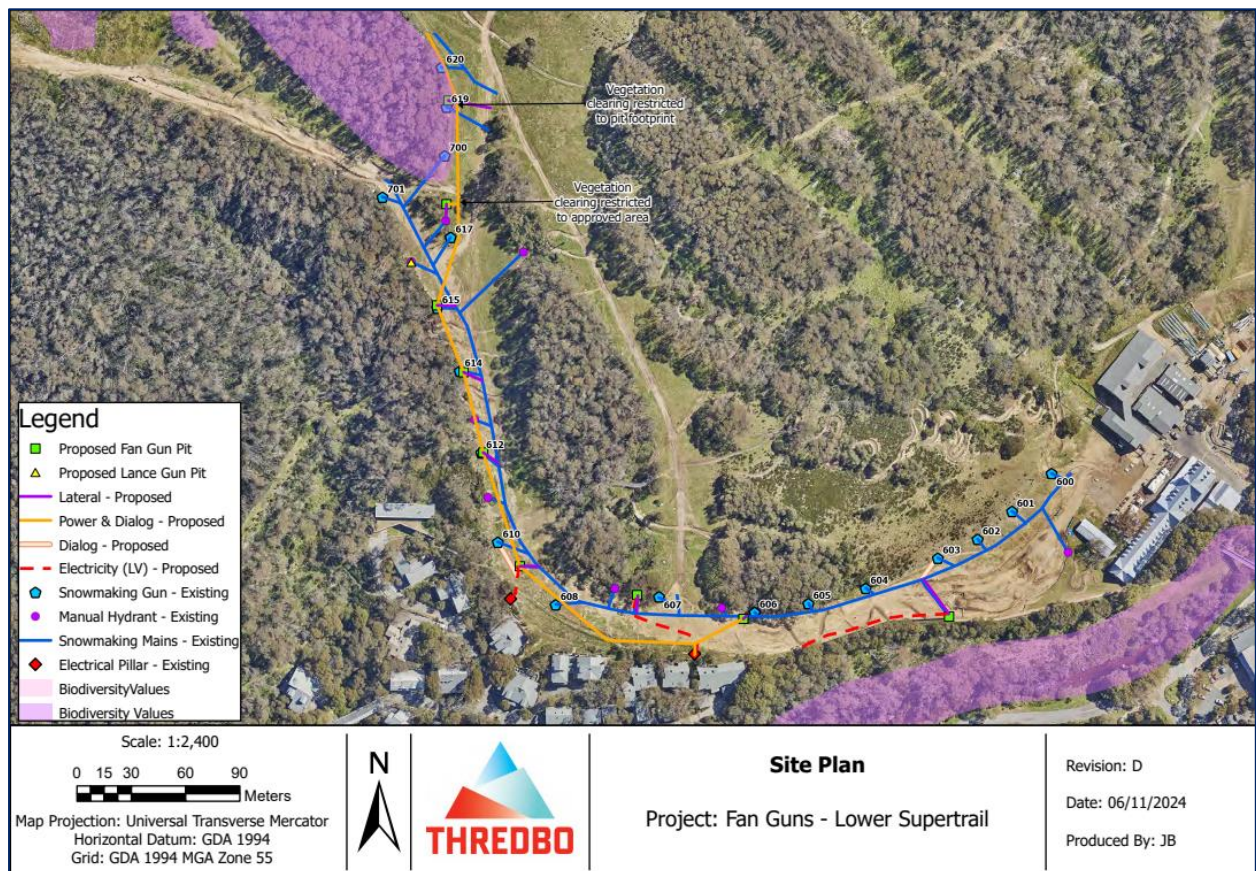
**Figure 2 | Lower Supertrail site (highlighted)** (Source: SIX Maps with Department annotations).

The specific changes to the original DA are depicted in **Figure 3** as follows:

- Remove the proposed power and dialogue cable that was previously approved (not constructed) from a new fan gun to be located south of existing Gun 603 from where the cable was to run east to near the Thredbo Racing Ski Club Building. A new electrical (LV) cable is instead proposed to be installed from the new fan gun and now running west to an existing electricity pillar south of Gun 605.
- Trenching for a new power and dialogue cable to be installed from the main line north-east to Gun 603.



- Remove the approved location of the lateral (not constructed) to the new fan gun below Gun 603, and creation of a common trench with a new lateral and new power and dialogue cables to be installed from the new gun north-west to the existing main.
- Trenching for new electrical (LV) cable from an existing electrical pillar across the ski slope north-west to the new fan gun to the west of Gun 607,
- Trenching for new electrical (LV) cable from an existing electrical pillar north to the new fan gun south of Gun 610. Also, a new direct trench for dialogue from the new gun to the north-west to Gun 610.
- Replacement of the existing manual hydrant between Gun 615 and Gun 701 with a snowmaking pit and lance gun, and additional trenching for snowmaking laterals.



**Figure 3 | Site plan** (Source: Applicant's amended documentation).

Supporting documents and supporting information 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 Department considers the proposal continues to be consistent with the Regional Plan as it sustains resort operations through maintaining snow making operations that supplements natural snow cover and provides consistency during marginal snow conditions. This in turn leads to increased economic activity in the locality and more broadly across the region. The proposal has also considered potential impacts on the unique alpine environment through predominantly locating works in a manner to minimise impacts to native vegetation.

#### **Draft South East and Tableland Regional Plan 2041**

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 continues to be consistent with the draft Regional Plan as it will not result in adverse biodiversity impacts and supports the maintenance of visitation to the Thredbo Alpine Resort, along with the local and regional economy.

#### **Snowy Mountains Special Activation Precinct Master Plan**

The Snowy Mountains Special Activation Precinct Master Plan outlines the 40-year vision for the Snowy Mountains as a year-round tourist destination with new business opportunities, services and community infrastructure for the people that live, work and visit the region.

Section 9.1.1 of the Master Plan relates to Thredbo. The Department considers that the proposal continues to support the vision of the Master Plan, while also ensuring impacts upon the environment have been considered against those previously approved. The proposed modification works raise no additional matters that would be inconsistent with the Master Plan.

#### **Precincts – Regional SEPP**

The Precincts – Regional SEPP governs development on land within the ski resort areas of KNP. Chapter 4 of the SEPP aims to protect and enhance the natural environment, to protect cultural heritage within the resorts and to ensure that development in the resorts is managed in a way that is compatible with the principles of ecologically sustainable development.

The Department considers the proposal continues to be consistent with Chapter 4 of the Precincts – Regional SEPP as the development is considered to be acceptable in accordance with the matters considered in the original DA when noting the modification works and their minimal impact on the environment.



## 2.2 Mandatory matters for consideration

The Department conducted a comprehensive assessment of the project against the mandatory matters for consideration as part of the original assessment of DA 23/12108. The Department considers this modification application does not result in significant changes that would alter the mandatory matters for consideration under section 4.15 of the EP&A Act and conclusions made as part of the original assessment.

### Objects of the EP&A Act

The Minister or delegate must consider the objects of the EP&A Act when making decisions under the Act. The Department is satisfied the proposed modification is consistent with the objects of the EP&A Act.

### 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 affect threatened species or ecological communities, or their habitats; or
- the works are carried out in a declared area of outstanding biodiversity value.

The Department notes that the works the subject of the original DA impacted BV Mapped vegetation and triggered a Biodiversity Development Assessment Report (BDAR). While additional works are occurring within the existing disturbed and managed ski run, the NPWS are satisfied that the scope of the modification proposal has not triggered any changes to the BDAR, as discussed in **Section 4** of this report.

The Department also notes that there is currently no declared area of outstanding biodiversity value within Kosciuszko National Park.

### Environmental Planning Instruments

The Precincts – Regional SEPP is the principal EPI that applies to this application. An assessment of compliance with the Precincts – Regional SEPP (Chapter 4) was undertaken in the determination of the original application (DA 23/12108).

The Department has considered the current modification application against the provisions of the Precincts – Regional SEPP and is satisfied the modification proposal continues to be consistent with this EPI.

## 2.3 Scope of modifications

Section 4.55(1A) of the EP&A Act provides that a consent authority may, on an application being made by the Applicant or any other person entitled to act on a consent granted by the consent authority, and subject to and in accordance with the *Environmental Planning and Assessment Regulations 2021* (EP&A Regulations), modify a consent if the following requirements in **Table 1** are met:

**Table 1:** Consideration under Section 4.55(1A) of the EP&A Act

Section 4.55(1A) - Evaluation	Comment
(a) <i>That the proposed modification is of minimal environmental impact</i>	<p><b>Section 4</b> of this report provides an assessment of the impacts associated with the proposal.</p> <p>The Department is satisfied that the proposed modifications will have minimal environmental impact, primarily being additional disturbance within an existing ski slope to facilitate changes to the development and the construction corridor.</p>
(b) <i>The development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all)</i>	<p>The proposal changes the approved development in terms of the location and type of snowmaking infrastructure to be installed on the Lower Supertrail site.</p> <p>The Department is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted (i.e. for the installation of snowmaking infrastructure).</p>
(c) <i>The application has been notified in accordance with the regulations or a development control plan</i>	<p>In accordance with the Department's Community Participation Plan (CPP), April 2024, the Department publicly exhibited the modification application for a minimum of 14 days, and it was made available on the NSW Planning Portal website (refer to <b>Section 3</b> of this report).</p>
(d) <i>Consideration of any submissions made concerning the proposed modification within the period prescribed by the regulations</i>	<p>No submissions from the public were received during the exhibition period (refer to <b>Section 2.4</b> and <b>Section 2.5</b> below).</p> <p>The Department has considered the comments received from the NPWS (refer to <b>Section 3</b> and <b>4</b> of this report).</p>

Section 4.55(3) of the EP&A Act provides that in determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 4.15(1) as are of relevance to the development the subject of the application. The consent authority must also take into consideration the reasons given by the consent authority for the granting of the consent that is sought to be modified.

The relevant consideration under section 4.15(1) of the EP&A Act in relation to the proposed modifications is whether the impacts of the amendments upon the existing environment are appropriate. The Department's assessment in **Section 4** concludes that there may be a small increment in the footprint of the works, including from the change in the location of trenching and expansion of the potential construction corridor. However the impacts will be minimal in extent and appropriately managed, and the impacts are considered acceptable.

The Department is satisfied the proposed modification is within the scope of section 4.55(1A) of the EP&A Act and does not require a new development application.

## 3 Engagement

### 3.1 Department's engagement

The Department's Community Participation Plan (CPP), April 2024, prepared in accordance with Schedule 1 of the EP&A Act requires an application for modification of development consent not required to be exhibited by the EP&A Regulations to be exhibited for a timeframe dependent on the urgency, scale and nature of the proposal.

In this regard, the Department also notes that the CPP advises that applications for development consent under Chapter 4 of the Precincts – Regional SEPP are not required to be public exhibited if the proposal relates to works which are wholly internal to a building or where the site is located more than fifty (50) metres from a tourist accommodation building. As the application involves modification to approved works within fifty metres of adjoining tourist accommodation buildings, the Department notified nearby lodges and made the application publicly available on the NSW Planning Portal website between 5 August 2024 and 19 August 2024.

The application was referred to the National Parks and Wildlife Service (NPWS) pursuant to section 4.27 of the Precincts – Regional SEPP.

### 3.2 Summary of submissions

During the exhibition period, the Department received submissions from the NPWS and no public submissions to the proposed modifications.

#### NPWS

The NPWS sought confirmation from the Applicant that there would be no additional impacts to the Biodiversity Mapped Areas that were assessed in the BDAR supplied with the original DA 23/12108. Upon receiving confirmation from the Applicant that there will no material change to the environmental impacts, NPWS raised no concerns with the proposed modification.

NPWS indicated they have no additional comments relating to the application given they were satisfied matters raised in their referral comments for the original DA had previously been addressed.



## 4 Assessment

In assessing the merits of the proposed modification, the Department has considered the:

- previous Environmental Assessment Report for the proposal,
- the modification application and existing conditions of consent,
- submissions from government agencies, and
- matters for consideration under section 4.15(1) of the EP&A Act.

The Department considers the key assessment issues associated with the modification application are:

### 4.1 Construction corridor and extent of works

A condition of the original consent (Condition C.8. of DA 23/12108) limited the approved construction corridor to a 3-metre-wide corridor encompassing the lateral main trenches. The subject works were also to be restricted to the minimum area necessary to enable construction adjacent to the pit locations.

Note: The Department identified that Condition C.8 also permitted a 10-metre-wide corridor encompassing common snowmaking mains and services infrastructure trench. Upon further review of the extent of works, this component was added in error and is rectified in the recommended amended Condition C.8 through the removal of this component.

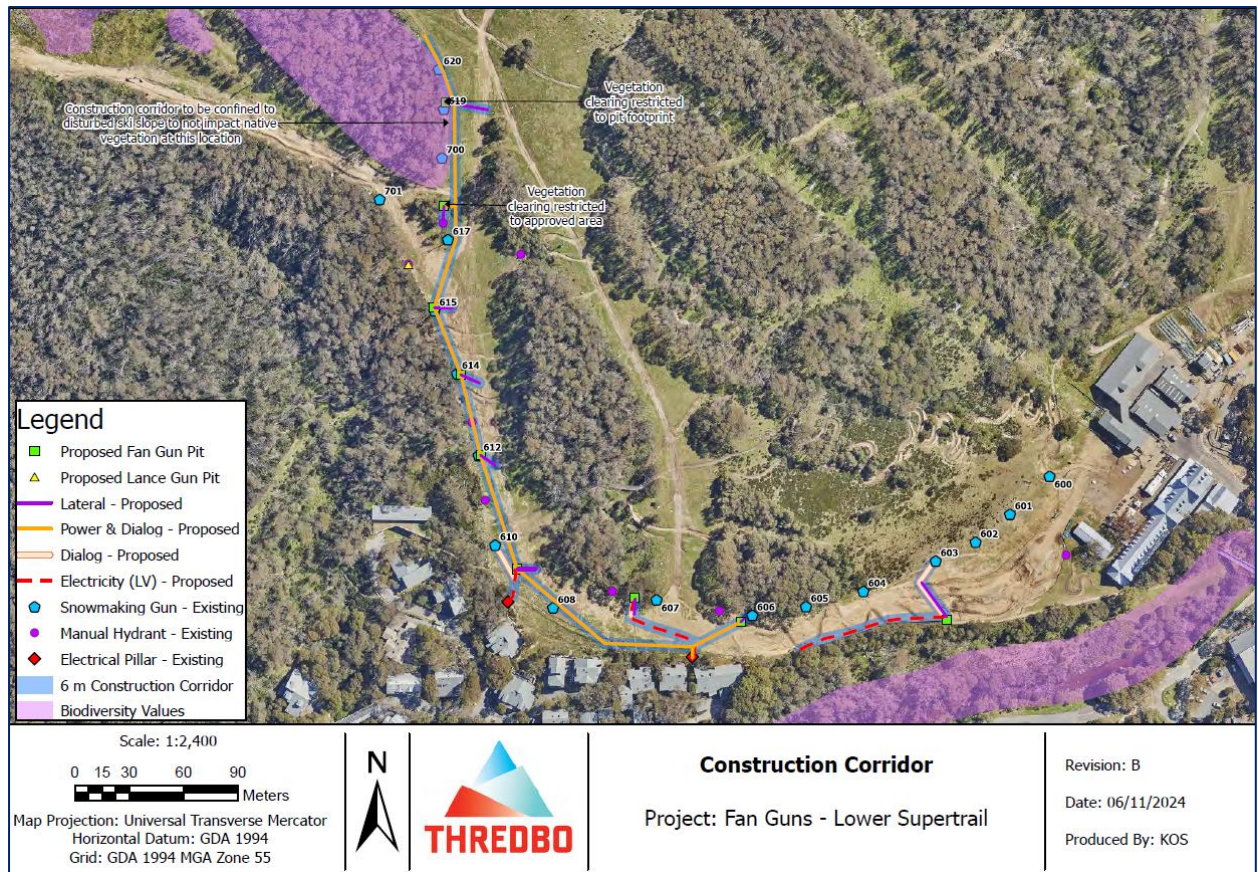
The Applicant initially sought to increase the width of the construction corridor to extend over the entire disturbed ski slope area. They advised this request was to allow for works to respond to unforeseen circumstances during construction, such as unknown underground services locations.

The Department recognised that while there was scope to facilitate the expansion of the construction corridor into the disturbed ski slope area, and this could reasonably be supported without significant adverse environmental impacts, it was not considered necessary or consistent with best environmental management practice to allow the extension of construction activities over the entire ski slope area. Pursuit of ESD principles is considered attained by reducing the potential extent of the construction disturbance footprint. The Department considers that there continues to be environmental benefits in mitigating the area of site disturbance and preventing the extent of land degradation needing rehabilitation.

The Applicant withdrew their request for construction works to be permitted over the full width of the ski slope following feedback from the Department seeking a reduction in the extent of the width of the construction corridor proposed. The Department has since supported proposed modification to Condition C.8 to now enable an expanded 6-metre-wide corridor where the works remains wholly within the ski run (**Figure 4**).

In addition to the above, the Department sort to clarify the extent of demolition / removal within the construction corridor with the inclusion of Condition A.9 that identifies the locations of lance guns to be removed and replaced with fan guns and also manual hydrants to be removed and replaced with lance guns.

The inclusion of Condition A.9 also ensures that only these areas are permitted to be removed and their associated impacts on native vegetation assessed and supported.



**Figure 4|** Indicative six-metre construction corridor (Source: Applicant's documentation)

In conclusion, the Department considers that with the amendment to the Condition C.8, the inclusion of Condition A.9 and the requirements to be followed as contained within the existing approved documents (Site Environmental Management Plan) and conditions of consent, additional adverse impacts upon vegetation not previously approved to be impacted can be avoided.

## 4.2 Biodiversity

The original application was supported by a BDAR prepared by Eco Logical Australia Pty Ltd, dated 17 October 2023, wherein the original proposal was assessed as impacting an area mapped as BVM and as clearing or further modifying up to eighteen- square- metres (18m<sup>2</sup> or 0.0018 ha) of native vegetation. The BDAR outlined the measures to avoid, minimise and mitigate impacts to the vegetation and habitats present within the development footprint during the design, construction and operation of the proposed development.

The NPWS reviewed the BDAR and the works the subject of the modified application, and upon confirmation from the Applicant that there will no material change to the environmental impacts outlined in the BDAR raised no concerns with the proposed modification. Further assessment was not considered necessary.

## 5 Recommendation

The Department has assessed the modification application and supporting information in accordance with the relevant requirements of the EP&A Act and considered the submissions provided by the public and the NPWS.

The Department's assessment concludes that the proposed modification is appropriate as it is substantially the same development as originally approved; the proposed modifications to conditions are acceptable; the proposal continues to comply with the Precincts – Regional SEPP provisions; all submissions received during the assessment of the application have been considered; and the proposal does not result in any additional matters that required consideration under Section 4.15(1) of the EP&A Act.

Overall, the Department is satisfied that the proposed is suitable and in the public interest.

The Department therefore recommends that the application be approved, subject to changes to the existing conditions of consent (**Appendix C**). In accordance with the Minister's delegation dated 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 15 public submissions in the nature of objections, and
- 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
- **determines** that the modification application MOD 24/10002 (DA 23/12108 MOD 1) falls within the scope of section 4.55(1A) of the EP&A Act
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to approve the modification
- **modifies** the consent DA 23/12108
- **signs** the attached approval of the modification (**Appendix C**)

### Recommended by



**Sandria Butler**  
Senior Planning Officer  
Alpine Resorts Team

### Supported by



**Mark Brown**  
Team Leader, Assessments  
Alpine Resorts Team

### Adopted by



**Daniel James**  
Team Leader  
Alpine Resorts Team  
as delegate of the Minister for Planning

17 December 2024



# Appendices

## Appendix A – Modification Report

Supporting documents and information relating to this assessment report can be found on the NSW Planning Portal website as follows:

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

## Appendix B – Submissions

The Department made the application publicly available and notified adjoining lodges within Thredbo Alpine Resort of the application between 5 August 2024 and 19 August 2024.

The application was referred to the NPWS pursuant to section 4.27 of Chapter 4 of the Precincts-Regional SEPP, with comments received.

No submissions from the public were received.

## Appendix C – Notice of Modification