



Kareela Hutte Access Track, Thredbo

Development Application Assessment
DA 24/14995

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Glossary

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

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1 Introduction

1.1 Introduction

This report contains the Department's assessment of the Development Application (DA 24/14995) lodged by Kosciuszko Thredbo Pty Ltd (the Applicant) seeking approval to construct access tracks from the existing summer access road to Kareela Hutte, Thredbo Alpine Resort, Kosciuszko National Park (KNP).

The site is predominantly on the adjoining ski slope off the existing summer access road (within Lot 876 DP1243112 being the Thredbo Head lease area) and joins onto Lot 852 DP1119757 (the Kareela Hutte lease area), Thredbo (**Figure 1**).

The site consists of disturbed ski slope, comprising a mix of exotic and native vegetation, underground services and the Cannonball Downhill mountain bike (MTB) trail.



Figure 1 | Location of site in the context of Thredbo Alpine Village and adjoining area (Source: SIX Maps)

1.2 Proposed Development

The Applicant seeks approval for earthworks to formalise an access track from the existing summer access road to Kareela Hutte by undertaking the following (an overview plan is shown at **Figure 2**):

- clearing of grasses and shrubs
- earthworks and construction of the track (main vehicle access and separate pedestrian access)
- reinstatement of the existing Cannonball Downhill MTB trail
- site rehabilitation

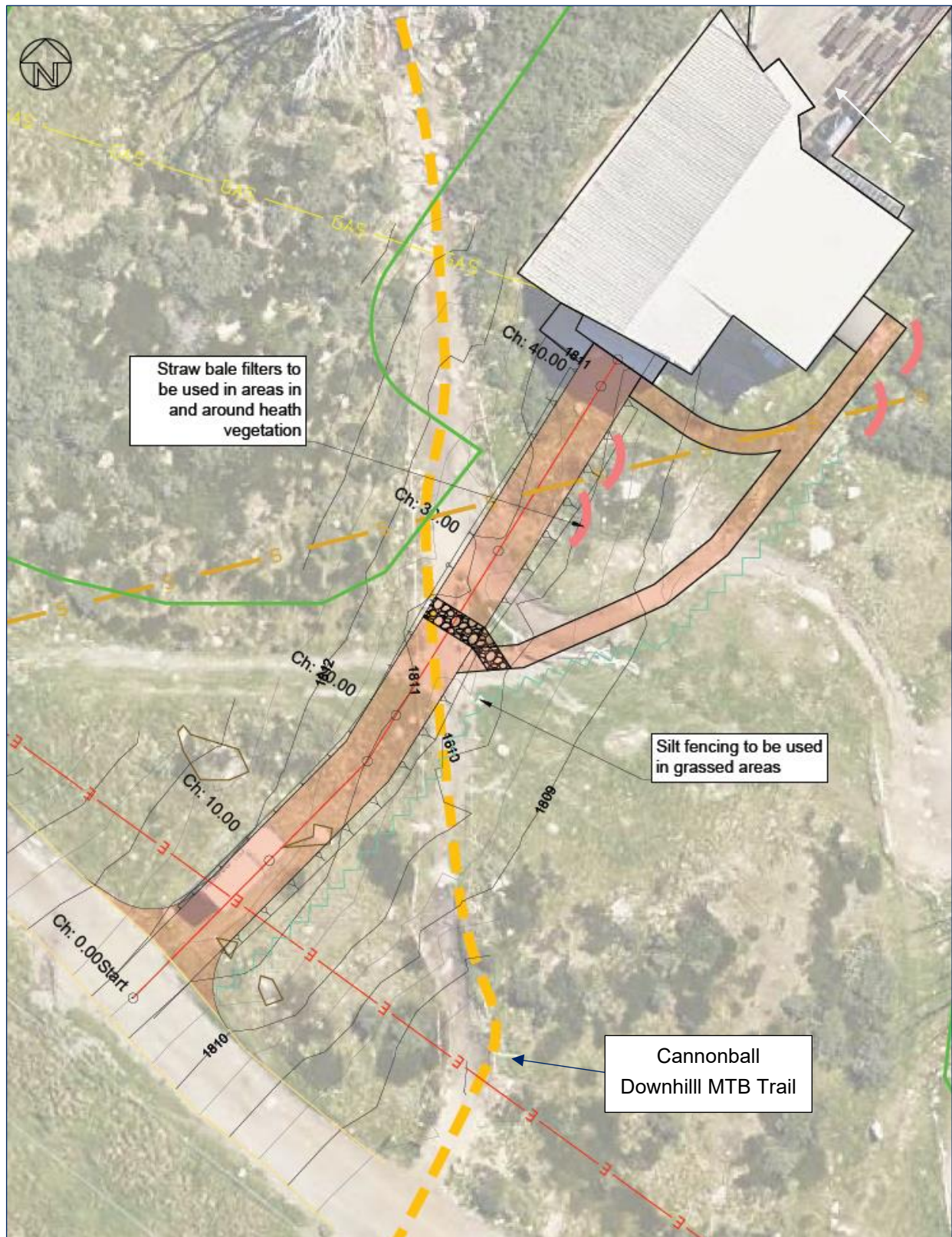


Figure 2 | Site plan identifying the proposed work location and Cannonball Downhill MTB trail (Source: Applicant's documentation)

Earthworks would include cut, fill and reshaping along a length of approximately 40 metres, with fill not in excess of 1.0 metre. Temporary stockpiles are to occur within the construction corridor, with any excess

excavated material will be removed from site and transported to the designated soil stockpiles sites within the Thredbo headlease area.

Authorisation from NPWS is to be sought where imported gravel or fill material is required, unless the material is sourced from the following NPWS approved locations:

- McMahons Earthmoving quarry, located on Alpine Way, Crackenback NSW; or
- Kraft Earthmoving / Snowy Mountains Sand and Gravel quarry located on Kosciuszko Road, Jindabyne NSW.

The existing Downhill mountain bike trail crosses the work site, the location of which are shown on the Site Plan (**Figure 2**). The trail is intended to remain in the current locations, with the original design of the trail to include a 'table-top feature' for the riders no longer proposed as the fill is only minor (<30 cm).

The Applicant advises that the purpose of the Development is to provide safer access, through formalising the access track to Kareela Hutte, an on-mountain restaurant. The tracks will ensure safe and efficient movements for staff deliveries.

Construction works are expected to be carried out over an estimated two-week period and consist of an excavator and 4 x 4 tipper truck.

The estimated development cost for the proposal is approximately \$65,000.

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 supports the ongoing operation of Kareela Hutte, being a popular mountain restaurant. The proposal will also allow the Thredbo Alpine Resort to continue to meet the demands of the community, which leads to continued visitation to the NSW ski fields during the winter period.

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. The proposal is consistent with the Master Plan as the proposal provides safe and efficient movement of staff deliveries to the site supporting improvements to the transport network 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 identifies the alpine areas as providing important biodiversity to the region and acknowledges the contribution of visitation to the Snowy Mountains to the regional and state tourism economy.

The proposal is consistent with the draft Regional Plan as it will not result in adverse biodiversity impacts and will improve access to an on-mountain restaurant. This supports operation of the restaurant, which maintains visitation to KNP as a winter destination, along with sustaining the local, regional and state economy.

2.2 Permissibility

The proposal includes construction of an access track (infrastructure facilities), consistent with the definition as defined in Schedule 4A of Chapter 4 of *State Environmental Planning Policy (Precincts – Regional) 2021* (the Precincts - Regional SEPP).

Pursuant to section 4.7 of the Precincts - Regional SEPP, '*infrastructure facilities*' are permissible with consent within the Thredbo Alpine Resort.

2.3 Mandatory Matters for Consideration

Objects of the EP&A Act

Table 1 | Objects of the EP&A Act

| Objects of the EP&A Act | Consideration |
|--|--|
| (a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources, | <p>The proposal supports the ongoing use of an on-mountain restaurant within Thredbo Alpine Resort.</p> <p>Vegetation within the proposed construction corridor comprises a mix of exotic and native species which has already been heavily modified and disturbed.</p> <p>The construction impacts will be maintained in a construction footprint that excludes vegetation that has been mapped as having biodiversity value.</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, as discussed throughout this report, thus being compatible with ecologically sustainable development. Mitigation measures during construction have been included in the recommended conditions of consent.</p> |
| (c) to promote the orderly and economic use and development of land, | <p>The development seeks approval for works to support the ongoing operation of Kareela Hutte through the provision of a formal access track. This supports the continued operation of the restaurant ensuring visitation for winter snow sports and tourism, thereby promoting the ongoing orderly and economic use of the land.</p> |
| (d) to promote the delivery and maintenance of affordable housing, | <p>Not applicable to this proposal.</p> |
| (e) to protect the environment, including the conservation of threatened and other | <p>Impacts upon the environment will be limited to previously disturbed areas, avoiding sensitive areas</p> |

species of native animals and plants, ecological communities and their habitats, identified on the Biodiversity Values Map and impacts on threatened species. An assessment of impacts is provided in **Section 4**.

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| <p>(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),</p> | <p>The development site is located in a highly disturbed area of the Thredbo resort. The proposed development is not anticipated to result in any adverse impacts upon built and cultural heritage, including Aboriginal cultural heritage.</p> <p>The NPWS raised no concerns in relation to the Due Diligence assessment provided by the Applicant and impacts on Aboriginal cultural heritage. The proposal is considered to have low potential to impact on unrecorded objects or sites in the locality.</p> <p>The Department concludes that the proposal has demonstrated due diligence and is satisfactory in relation to avoiding impacts on built and Aboriginal cultural heritage. An expected finds procedure will be applied. No additional assessment is required.</p> |
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| <p>(g) to promote good design and amenity of the built environment,</p> | <p>The Department considers that the proposed works will not detract from any built form. The changes are considered minor and remain compatible with the setting and surroundings.</p> |
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| <p>(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,</p> | <p>The Department has recommended conditions of consent to ensure the works are 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).</p> |
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| <p>(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,</p> | <p>The Department consulted with the NPWS and considered their response (refer to Section 3 and Section 4).</p> |
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| <p>(j) to provide increased opportunity for community participation in environmental planning and assessment.</p> | <p>The proposal was made publicly available in accordance with the Department's Community Participation Plan (refer to Section 3).</p> |
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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 | The Alpine DCP 2025 came into effect after the application was lodged, and is 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&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, where the proposal is considered to have positive economic and social impacts while the environmental and cultural values of the site and locality will be maintained. Environmental impacts will be 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 site is suitable for the development and supports the ongoing operation of Kareela Hutte through formalising access to the site. |

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| (d) any submissions made in accordance with this Act or the regulations, | Consideration has been given to agency discussions with the NPWS. Refer to Section 3 and Section 4 of this report. |
| (e) the public interest. | <p>The works are consistent with the aim and objectives of Chapter 4 of the Precincts - Regional SEPP, including the objective to encourage the carrying out a suitable range of development in the Resort areas to support sustainable tourism in the Alpine Region. Formalising access for deliveries, supports the operation of the site as one of the one mountain restaurants at Thredbo, which underpins the viability of the Resort.</p> <p>Temporary impacts to the environment have been identified and will be appropriately managed, mitigated and contained. The development is considered to support the economic viability of the resort while maintaining the health and diversity of the environment, thereby supporting the principles of ESD.</p> <p>The approval of the proposal is considered to be consistent with the public interest.</p> |

Environmental Planning Instruments

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

No contamination within the site and surrounding area has been identified. There are no further matters under *State Environmental Planning Policy (Resilience and Hazards) 2021* that need to be considered.

Table 3 | Precincts - Regional SEPP, Chapter 4 considerations

| Chapter 4 - Precincts - Regional SEPP - Kosciusko Alpine Region | |
|---|--|
| Section 4.9 Demolition | |
| The demolition of a building or work on land in the Alpine Region | While earthworks are proposed, the proposal does not relate to the demolition of a building or the demolition of work/s on land. |
| 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. A condition has been 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

Earthworks relating to fill, is required to create the access track alignment with uphill drainage also proposed to address water movement across the site.

Measures to avoid and mitigate impacts from the works have been outlined in the documentation accompanying the development application, including the Site Environmental Management Plan, the Erosion and Sediment Control Plan.

The Department considers that the earthworks proposed are unlikely to cause significant disruption to 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 KNP visitors 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

The proposal is consistent with the aim and objectives of Chapter 4 of the Precincts – Regional SEPP in that the development will be managed with regard to the principles of ESD. The proposal is considered

appropriate as it relates to enabling formal access to Kareela Hutte while having an acceptable impact on the environment.

(b) *(Repealed)*

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

Not applicable to the development.

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

The site is within the 'G' zone on the Department's Geotechnical Policy Map.

The Geotechnical Assessment provided commentary stating that the proposed works will have 'minimal or no geotechnical impact' on the site based on the likely subsurface conditions, the lack of obvious signs of hillside instability observed or expected, the relatively small area of the development, and the development details.

A completed Form 4 – Minimal Impact Certification report was provided.

Geotechnical considerations have been adequately assessed by the Applicant and recommendations are provided prior to construction and during works.

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

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

(i) the Perisher Range Resorts Master Plan, published by the NPWS in November 2001 and

(ii) the Perisher Blue Ski Resort Ski Slope Master Plan adopted by the NPWS in May 2002.

Section 4.29 Consideration of environmental, geotechnical and other matters

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

(a) measures proposed to address geotechnical issues relating to the development,

Refer to comments in Section 4.28(1)(d) above.

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| <p>(b) the extent to which the development will achieve an appropriate balance between -</p> <p>(i) the conservation of the natural environment, and</p> <p>(ii) taking measures to mitigate environmental hazards, including geotechnical hazards, bush fires and flooding,</p> | <p>The proposed works are located within a previously disturbed area between the summer access road and Kareela Hutte. Measures have been proposed by the Applicant to undertake the works in a way that will help 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> |
| <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,</p> | <p>The proposal includes the provision of an access track similar to other tracks on the ski slopes. After construction site disturbance, followed by site rehabilitation, the visual variation from the existing setting is not considered to be particularly discernible in the setting.</p> |
| <p>(d) the cumulative impacts of development and resource use on the environment of the Alpine Subregion in which the development is carried out,</p> | <p>Cumulative impacts from the development are considered minor and appropriate in the context. The development will not result in any significant changes to resource use or impact the facilities in place to support visitor patronage of facilities in the Alpine resorts beyond a short period of disruption to the use of the Cannonball Downhill MTB trail within the construction corridor.</p> |
| <p>(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,</p> | <p>No impacts are anticipated on existing infrastructure and services for transport as a result of the project. The works occur on the ski slope works which does not generate additional transport needs to the locality.</p> |
| <p>(f) the capacity of existing waste or resource management facilities to deal with additional waste generated by the development, including in peak periods.</p> | <p>The works will not generate ongoing operational waste. The capacity of existing waste facilities at Kareela Hutte would not be impacted by the development.</p> |
| <p>Under section 4.29(2) - For development involving earthworks or stormwater draining works, the consent authority must also consider -</p> | |
| <p>Measures to mitigate adverse impacts associated with the works</p> | <p>Sedimentation and erosion control measures are proposed during works and site rehabilitation following</p> |

the installation. No negative impacts to stormwater are anticipated.

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 -

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| (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

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| 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 proposed 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 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 amount of native vegetation proposed to be cleared does not exceed the relevant threshold for the parcel to trigger the BOS, and the proposed earthworks are not located within an area mapped on the BVM. There is currently no declared area of outstanding biodiversity value within KNP.

The Applicant submitted an Ecological Assessment advising that the proposed works will result in only very minor impacts on regrowth native vegetation relating to the removal of approximately ten (10) square metres of regrowth native shrubs. The works were assessed as not causing substantial modification to the hydrological environment, and overall, the development was not considered to affect any threatened ecological communities or any threatened flora species. Potential impacts on fauna habitats associated with the proposed works was assessed as being limited to potential impacts on connectivity, which was considered to be a negligible and acceptable impact as no potentially important fauna habitats were assessed as being directly impacted.

The development was also considered unlikely to have a significant impact on any Commonwealth or State listed communities, threatened flora and fauna, or migratory species identified in the assessment.

The proposed works will not result in any adverse impacts on threatened species, populations or ecological communities and will not have a significant impact on these entities pursuant to the NSW *Biodiversity Conservation Act 2016* or the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999*.

3 Submissions

3.1 Department's engagement

The Department's Community Participation Plan, dated April 2024, prepared in accordance with Schedule 1 of the EP&A Act, generally requires applications to be exhibited for a period of fourteen (14) days. However, applications under Chapter 4 of the Precincts - Regional SEPP are not required to be publicly exhibited if the proposal relates to works that are wholly internal to a building or where the site is located more than fifty (50) metres from a tourist accommodation building.

The works are not within fifty (50) metres of a tourist accommodation building, and the Department did not undertake formal exhibition or notification of the development.

The Department placed the application on the NSW Planning Portal website to make applications publicly available, consistent with the intent of the CPP.

The application was forwarded to the NPWS pursuant to section 4.27 of the Precincts - Regional SEPP.

3.2 Summary of submissions

NPWS

NPWS reviewed the application and advised that the works proposed in the DA will have minimal impact on the environmental and cultural values of Kosciuszko National Park if conducted in accordance with the DA documentation.

NPWS Visitor Engagement & Revenue Branch (VERB) has advised that the proposed works are permissible under the head lease with Kosciuszko Thredbo Pty Limited for the Thredbo Alpine Resort. However, as works under clause 4.9(a)(ii) of the head lease, lessor's consent will be required. VERB has accepted the DA referral as a request for lessor's consent and will contact Kosciuszko Thredbo Pty Limited separately about the matter.

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 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
- MTB trail diversions

These issues are discussed below.

4.1 Impacts on biodiversity

The Department has considered the potential biodiversity impacts associated with the proposal in consultation with the NPWS given the sensitive nature of the flora and fauna within the KNP. 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 2**, the construction corridor is within previously disturbed land and is not mapped as having high biodiversity value on the BVM.

The proposed disturbance includes approximately 10m² of native vegetation that has regrown in a previously disturbed area. The majority of site disturbance will predominantly impact the ski slope vegetation which is dominated by exotic grasses or bare ground (**Figure 3**).



Figure 3 | Site photograph identifying the proposed work location (Source: Applicant's documentation)

The Test of Significance (ToS) provided within the application concluded the proposal will not result in any substantial adverse impacts on native vegetation communities or associated fauna habitats, nor will there be any impacts on flora species of conservation significance, important fauna habitats, habitat connectivity or any other biodiversity values of conservation significance.

The NPWS raised no concerns with the proposal and noted that the DA will have minimal impact on the environmental and cultural values of Kosciuszko National Park if conducted in accordance with the DA documentation.

The Department is satisfied that the works are confined to a highly modified environment and there has been appropriate consideration of the BC Act. The development as proposed does not trigger the Biodiversity Offset Scheme.

The Department will apply conditions to ensure that activities are contained within the approved construction corridor and require rehabilitation of the site in accordance with the approved plan and NPWS guidelines.

Species impacts

The Applicant's ToS assessment noted several native flora species identified during the onsite assessment of 28 September 2023 and that the works will be undertaken on existing heavily disturbed areas and areas dominated by exotic grasses.

The ToS comments that searches of the affected vegetation did not detect any evidence of use by *Mastacomys fuscus* (Broad-toothed Rat) however it is likely that the species occurs in the heathy woodland surrounding the Hutte and occasionally occurs in the study area. The habitats to be affected are unlikely to be used by other threatened mammal species such as *Cercartetus nanus* (Eastern Pygmy-possum) or *Burramys parvus* (Mountain Pygmy-possum). Whilst highly mobile threatened bird species such as the *Petroica phoenicea* (Flame Robin), may occasionally forage in the study area they would not be affected by the proposed works. The proposal will not affect any potentially important habitat for the threatened reptiles such as *Liopholis guthega* (Guthega Skink) or *Cyclodomorphus praealtus* (Alpine She-oak Skink).

Given the minor amount of native vegetation to be impacted, the Department in consultation with the NPWS is satisfied that the development is unlikely to have a significant impact on any threatened flora or fauna species. The NPWS raised no concerns with the assessment of species impacts identified in the revised ToS.

Conclusion

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

Conditions are recommended to ensure areas impacted by construction are 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

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 site.

In particular, access to the development site will be via the summer mountain access road, where the access track will commence toward Kareela Hutte. The active construction area will be delineated with controls such as fencing and signage to exclude public access, with MTB trail diversions in place during the works (see **Section 4.3** below).

The approved access track alignment is to be flagged on site to ensure no encroachments into areas not assessed to be impacted from the works. An Environmental Officer is recommended to be appointed to oversee the works, ensure compliance with conditions and also with the recommendations of the Ecological Assessment prepared by Eco Logical Australia Pty Ltd.

Construction management will be in accordance with the approved Site Environmental Management Plan (SEMP). The Department has also recommended standard construction conditions applied for on-slope works in the Alpine area.

In terms of the track construction, the Department has included specific requirements for the quality of the construction in order to meet the submitted plans and geotechnical recommendations. This includes that the civil works contractor is to document the construction, with photographic evidence, which enables certification to be provided by the civil works contractor at completion of works as the Department is to provide a Statement of Completion once the works have been completed and prior to use of the track.

Subject to compliance with the conditions, the Department considers that the proposed access will not unduly impact upon the safety of visitors and workers in the locality or cause long term adverse impacts to the natural environment.

4.3 MTB Trail Diversions

The Applicant states that:

A section of Cannonball Downhill MTB trail will be temporarily closed during construction and riders diverted onto the Kosciuszko Flow trail uphill of the construction site, refer SEMP for details. The access track has been designed to integrate with the Cannonball Downhill MTB trail to ensure the ongoing operation of the trail.

The submitted SEMP identifies that the Cannonball Downhill MTB riders would divert onto the Kosciuszko Flow Trail at the junction of these two trails adjacent to the Snowgums Chair top station.

With this proposed diversion location and use of the existing Kosciuszko Flow Trail, no additional vegetation impacts are expected, and this component of the application is supported.

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 works provide a formed access track to Kareela Hutte off the existing summer access road rather than over the existing vegetation. This supports the ongoing resort operations while having a minimal and manageable impact on the environment.

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, a 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:

- **consider** 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 24/14995, subject to the recommended conditions
- **signs** the attached Development Consent (**Appendix A**).

Recommended by:



Mark Brown
Team Leader, Assessments
Alpine Resorts Team

Adopted by:



15/7/2025

Daniel James
Team Leader
Alpine Resorts Team, Regional Assessments
as delegate of the Minister for Planning

Appendices

Appendix A – Recommended Instrument of Consent