



Merritts Mountain Bike Trail and Associated Works, Thredbo

Development Application Assessment
DA 25/817

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

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Glossary

Abbreviation	Definition
BC Act	<i>Biodiversity Conservation Act 2016</i>
BC Regulation	<i>Biodiversity Conservation Regulation 2017</i>
BDAR	Biodiversity Development Assessment Report
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 25/817) lodged by Kosciuszko Thredbo Pty Ltd (the Applicant) seeking approval for the development of the Merritts Mountain Bike Trail and associated works, within Thredbo Alpine Resort, Kosciuszko National Park (KNP).

The site is located within the Thredbo Head Lease Area on land described as Lot 876 DP1243112 which is situated north of Thredbo Alpine Village and identified as 2 Friday Drive, Thredbo (**Figure 1**).

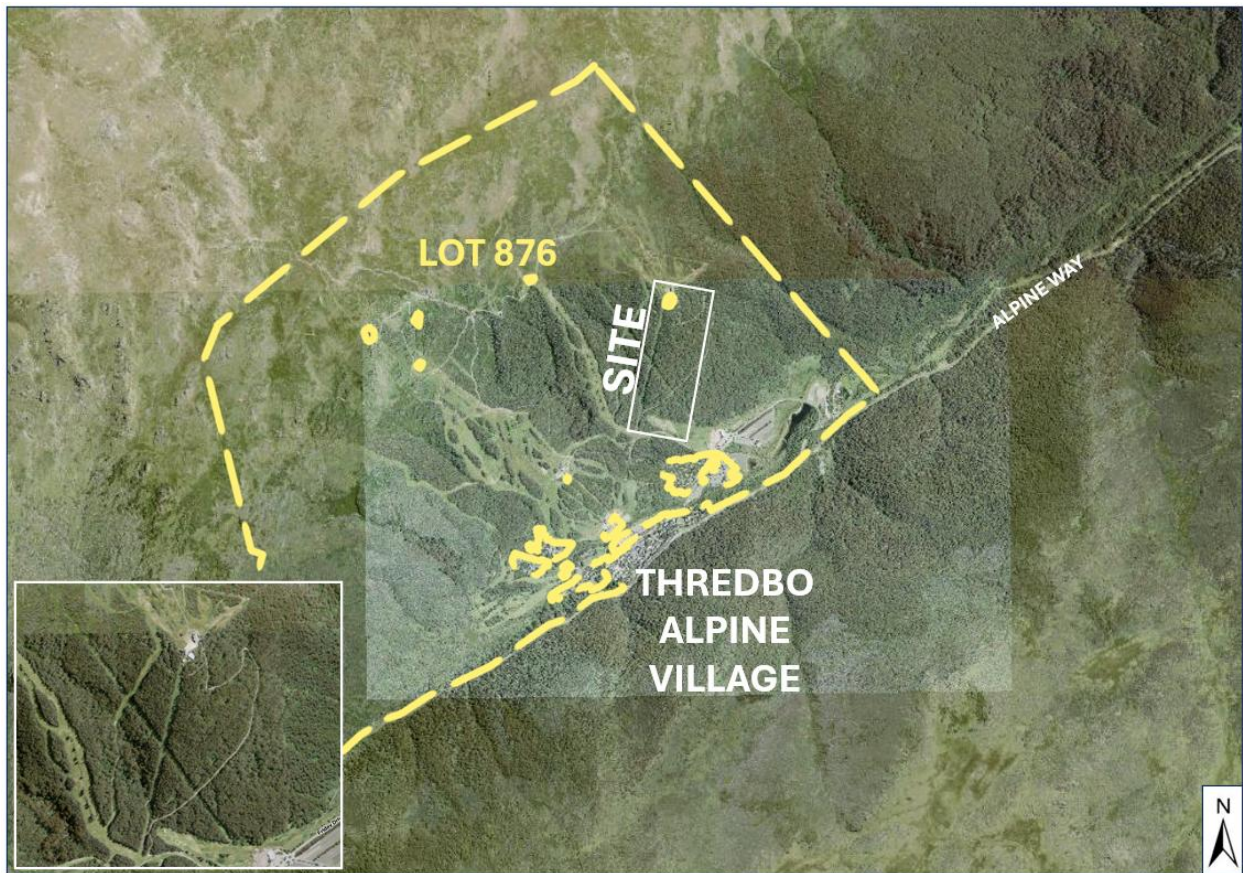


Figure 1 | Location of the site in the context of Lot 876 and Thredbo Alpine Village (Source: NSW Planning Portal Spatial Viewer, with annotations)

1.2 Approval history

The development area has been subject to a number of previous DA's determined by the Minister for Planning, including:

- on 28 November 2014 the Team Leader of the Alpine Resorts Team, as delegate of the Minister for Planning granted consent to Development Application (DA 6114) for the construction of four (4) downhill mountain bike trails as part of Stage 1A of the Applicant's mountain bike trail network, including the All Mountain Trail (now the Lower Easy Rider Mountain Bike Trail)

- on 11 December 2015 the Director of the Key Sites Assessment Branch, as delegate of the Minister for Planning granted consent to Development Application (DA 6571) for the construction of tow (2) downhill mountain bike trails as part of Stage 1B of the Applicant's mountain bike trail network, including a voluntary offset area along the Gunbarrel Chairlift corridor.
- on 22 December 2020 the Director of the Regional Assessments Branch, as delegate of the Minister for Planning granted consent to Development Application (DA 10312) for the construction of a new downhill mountain bike trail known as the Lower N4 (now the Sidewinder Mountain Bike Trail)
- on 31 November 2021 the Team Leader of the Alpine Resorts Team, as delegate of the Minister for Planning granted consent to Development Application (DA 21/11659) for the construction of new mountain bike trail known as the Gondola Connect (now incorporated within the Sidewinder Mountain Bike Trail, and subject to alteration under this DA)
- on 27 January 2022 the Team Leader of the Alpine Resorts Team, as delegate of the Minister for Planning granted consent to Development Application (DA 21/11529) for the construction of a new downhill mountain bike trail known as the Upper N4 (now the Grasshopper Mountain Bike Trail)
- on 27 October 2023, the Principal Planning Officer of the Alpine Resorts Team, as delegate of the Minister for Planning, granted consent to Development Application (DA 23/9955) for the construction of a new beginner walking track known as the Harusch Walking Track.
- on 9 April 2025 the Team Leader of the Alpine Resorts Team, as delegate of the Minister for Planning, granted consent to Development Application (DA 24/16834) for the construction of a Snowmaking Unit to improve the efficiency of snowmaking operations and reliability of snow cover in the Friday Flat ski area.
- on 21 May 2025, the Team Leader of the Alpine Resorts Team, as delegate of the Minister for Planning granted consent to Development Application (DA 24/15069) for the construction of a new downhill mountain bike trail known as the Beginner Mountain Bike Trail.

1.3 Proposed development

The Applicant seeks approval for a new intermediate mountain bike trail which can support adaptive users who ride modified bicycles. Additionally, the Applicant seeks approval for clearing and trenching within an existing voluntary offset area for the installation of a new lift camera (**Figure 2**).

The proposal submitted at the time of lodgement included the provision of an access track which supported the operation of the mountain bike trail by allowing easy extraction of riders in the event of an emergency. However, through subsequent discussion with the Applicant surrounding the design of the access track and associated drainage, the Applicant advised the Department that this component of the proposal is no longer a priority for operation of the Resort, and consequently requested the Department omit it from the assessment.

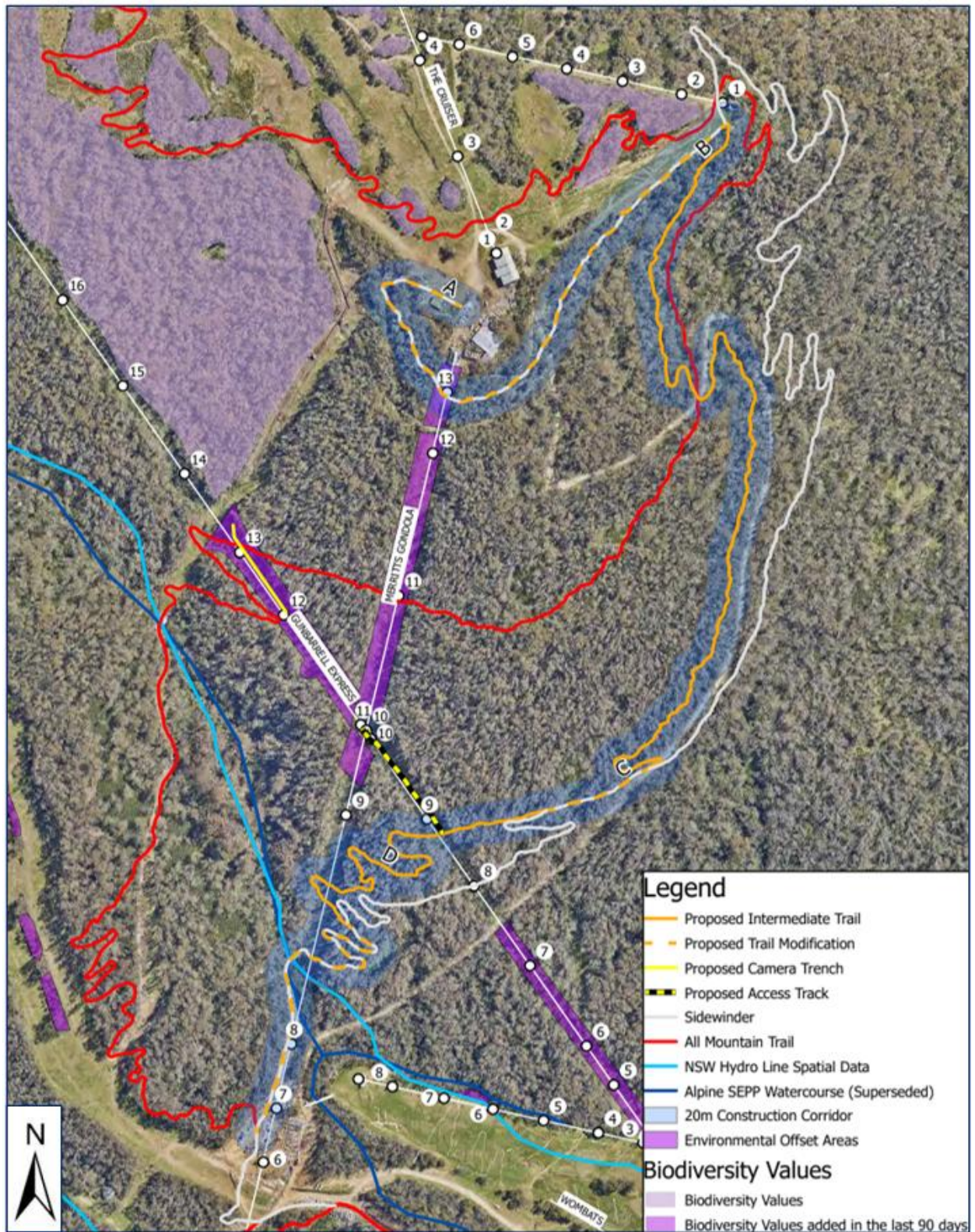


Figure 2 | Site plan identifying the proposed Merritts Mountain Bike Trail and voluntary offset area proposed to be impacted (Source: Applicant's Statement of Environmental Effects [SEE] 2024)

Trail construction

The proposed Merritts Mountain Bike Trail is an intermediate gravity of approximately 1,495 metres in length, which is accessible from the Merritts Gondola top station and incorporates features of the existing Sidewinder Trail (**Figure 3**). To accommodate adaptive rider equipment, a trail tread width of 1500mm is proposed, within a 3 to 4 metre disturbance width which will require modifications to the existing Sidewinder Trail.

The Applicant notes that the trail has been designed for adaptive rider use. Adaptive mountain biking includes a range of riders who require adapted equipment and trails to suit their physical, intellectual, neurological and/or sensory abilities (Break the Boundary [BtB] 2018). There are a number of additional trail design considerations for adaptive use including trail width, turning radius, gradient, camber and limits on technical features to ensure the safety of adaptive riders.

One of the Applicant's key trail design principles is 'trails for everyone'. Creating a new trail that caters to both standard and adaptive bikes will help to increase participation in the sport and improve the sense of inclusion at Thredbo.

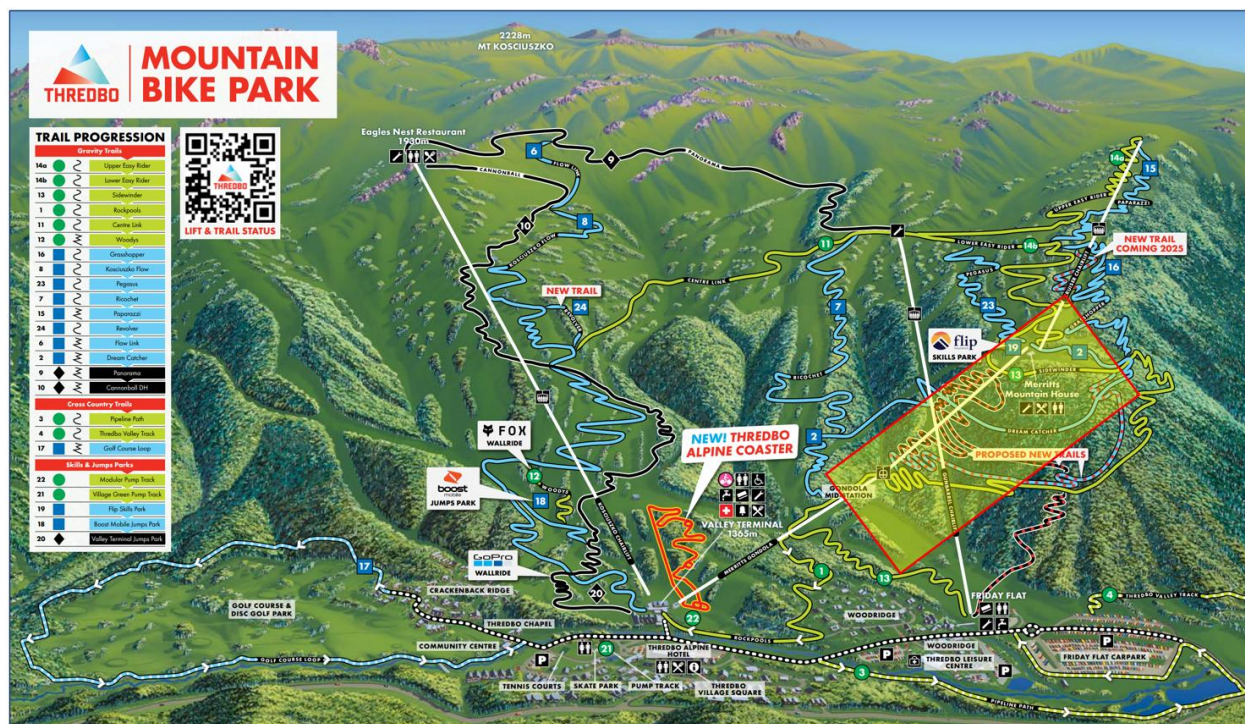


Figure 3 | Map identifying the location of proposed works in the context of other mountain bike trails provided within Thredbo Alpine Resort (Source: Thredbo Mountain Bike Trail Map 2025)

Camera installation

The application proposes to install a new lift camera on the Gunbarrel Chairlift tower 12 to support the safe operation of the lift (**Figure 4**). The Applicant notes that the proposed camera installation is in response to a SafeWork NSW notice which recommended upgrades for the ongoing operation of the resort.



Figure 4 | Location of Gunbarrel Chairlift tower 12 which will support the proposed lift camera (Source: Applicant's Statement of Environmental Effects [SEE] 2024))

To facilitate the camera installation, trenching and cable installation is proposed in a 100 metre by 300 millimetre construction corridor to a depth of 600 millimetres (**Figure 5**). The trench is proposed beneath the Gunbarrel Chairlift, in an area that was dedicated as an offset area under DA 6571 (**Figure 2**). The Applicant notes that the offset area was established under a voluntary arrangement prior to the introduction of the Biodiversity Offset Scheme (BOS), and has submitted a concurrent application to modify DA 6571 to support vegetation clearing required for the trench. Rehabilitation works are also proposed following the completion of cable installation, including replanting and natural recruitment of vegetation.

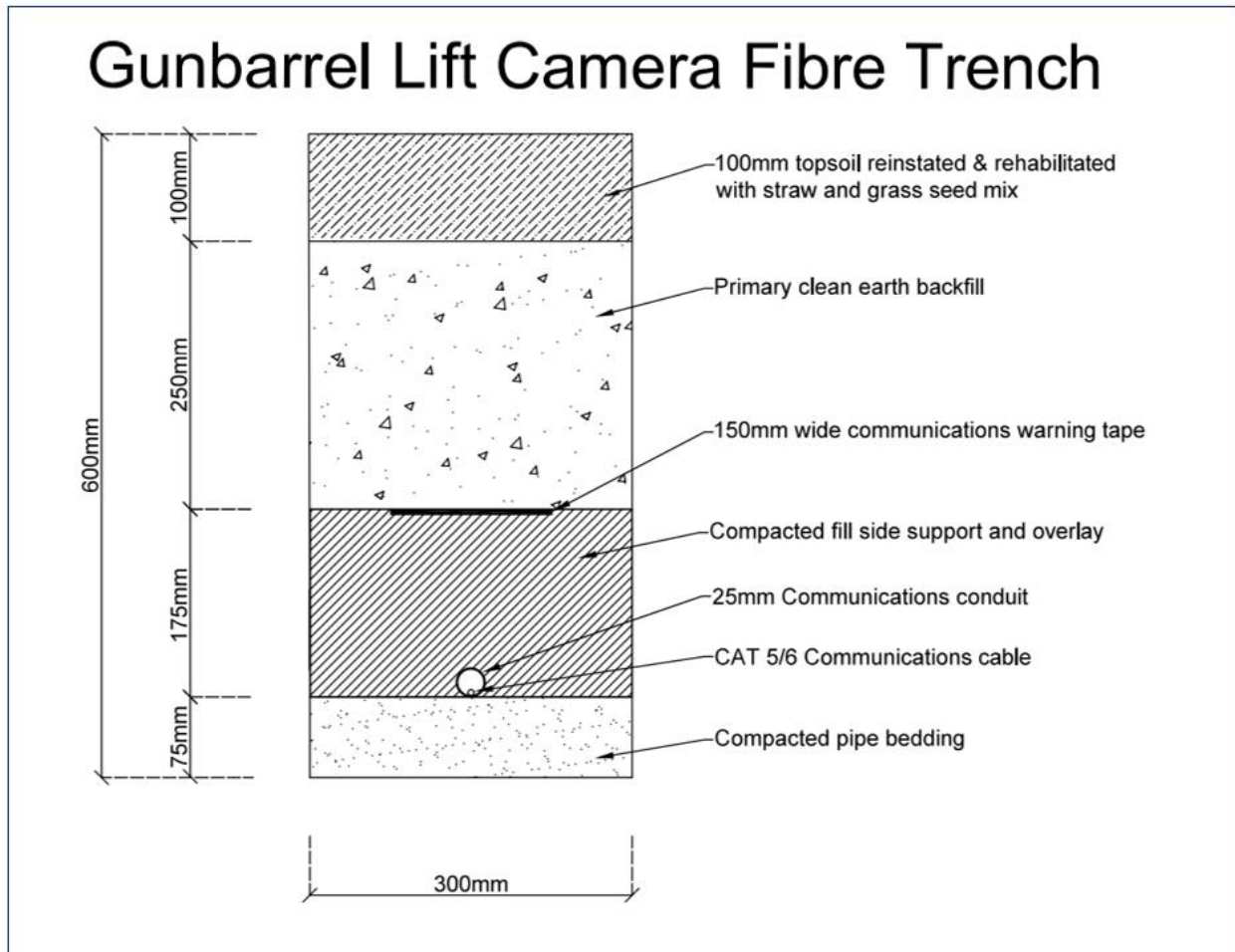


Figure 5 | Cross section identifying cable distribution beneath the Gunbarrel Chairlift (Source: Applicant's SEE 2024)

The estimated cost of works for the proposal is \$85,100

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 Tablelands 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 which supports adaptive riders, which utilises existing trail connections. The proposal will allow the resort to continue to meet the demands of the growing mountain biking community within Thredbo Alpine Resort, which leads to continued visitation to the NSW ski resorts during the summer period.

Snowy Mountains Special Activation Precinct Master Plan

The Snowy Mountains Special Activation Precinct Master Plan outlined 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 relates to the Thredbo alpine resort. The proposal is consistent with the Master Plan as the proposal will enhance the on-mountain experience for riders of all abilities, while utilising sections of an existing 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 framework for KNP that incorporates objectives, principles and policies to guide the long-term management of the KNP. NPWS have recommended conditions to prevent adverse environmental, social or economic impacts on the natural or cultural environment.

Draft South East and Tableland Regional Plan 2041

The draft plan was publicly exhibited from 8 August 2022 until 23 September 2022. The draft plan underwent extensive consultation with the community and stakeholders with feedback incorporated into an updated version of the draft plan that was re-exhibited from 9 December 2022 to 31 January 2023. The draft plan identifies the alpine areas as providing important biodiversity to the region and acknowledges the alpine area's contribution to the region's tourism economy.

The proposal is consistent with the draft Regional Plan as it will not result in adverse biodiversity impacts and would enhance mountain biking activity in the Thredbo Alpine Resort. This supports the maintenance of visitation to the resort, along with the local and regional economy.

2.2 Permissibility

The proposal includes the construction and operation of a new adaptive mountain bike trail and installation of a chairlift camera, consistent with the definition of 'recreation infrastructure' and 'lifting facilities' as defined in Chapter 4 of *State Environmental Planning Policy (Precincts – Regional) 2021* (the Precincts - Regional SEPP).

Pursuant to clause 4.7 of the Precincts - Regional SEPP, 'recreation infrastructure' is permissible with consent within the Resort.

2.3 Mandatory Matters for Consideration

Objects of the EP&A Act

Table 1 | Objects of the EP&A Act

Objects of the EP&A Act	Consideration
(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,	The proposal supports the ongoing year-round use of Thredbo Alpine Resort The works to the site would have positive social and economic impacts and provide for continued mountain bike trail access.
(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,	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.
(c) to promote the orderly and economic use and development of land,	The development seeks approval for works that include a new adaptive mountain bike trail which contributes to greater visitor amenity and supports Alpine Resort visitation for year-round tourism, thereby promoting the ongoing orderly and economic use of the land.
(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 to avoid sensitive areas where possible. Minor impacts involved with clearing of native vegetation have been identified, with mitigation measures being

implemented to reduce impacts. An assessment of impacts is provided in **Section 4**.

(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),	The proposed development is not anticipated to result in any impacts upon built and cultural heritage, including Aboriginal cultural heritage. NPWS commented that the potential for impacts on Aboriginal cultural heritage have been adequately addressed in the SEE. No additional assessment is required.
(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 Section 4 .
(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 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).
(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 NPWS and considered their responses (refer to Section 3 and Section 4).
(j) to provide increased opportunity for community participation in environmental planning and assessment.	The proposal was made publicly available in accordance with the Department's Community Participation Plan (refer to Section 3).

Considerations under section 4.15 of the EP&A Act

Table 2 | Section 4.15(1) Matters for Consideration

Section 4.15(1) Evaluation	Consideration
(a)(i) any environmental planning instrument (EPI)	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. The Department is satisfied that the Application is consistent with the requirements of Chapter 4 of the Precincts - Regional SEPP.

(a)(ii) any proposed instrument	Not applicable to the proposal.
(a)(iii) any development control plan	The proposal relates to the development of a new adaptive mountain bike trail and installation of a new lifting camera and associated trenching. Section 2.4 of the Alpine DCP relates to on-mountain development and infrastructure. The Department considers that the proposal is consistent with the Alpine DCP as it allows for summer recreation opportunities for a range of visitor skill levels and types, and improves the circulation efficiency of the existing trail capacity.
(a)(iiia) any planning agreement	Not applicable to the proposal.
(a)(iv) the regulations	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). 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.
(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 trail by utilising sections of an existing trail. The site is suitable for the development, as discussed in Section 4.
(d) any submissions made in accordance with this Act or the regulations,	Consideration has been given to submissions received from the NPWS and the Department of Planning and Environment – Water. 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	No demolition of buildings is proposed under this DA.
Section 4.21 Heritage conservation	
European heritage	The proposal would not impact on any European heritage items.
Aboriginal heritage	NPWS raised no concerns with the proposal. A condition has been recommended that should any Aboriginal objects be uncovered during construction, any works impacting the objects must cease immediately and NPWS must be contacted for assessment of the shite.

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 trenching is required for the installation of ancillary cabling to support the chairlift camera. The excavated soil will be temporarily stockpiled within the construction corridor and used during rehabilitation once the works are complete. 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 and the Detailed Rehabilitation and Monitoring Plan. 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

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 provision of an adaptive trail, chairlift camera are intended to support the ongoing use of the mountain bike park and support summer sports and tourism in the locality. The proposal is considered appropriate as it relates to works to enhance the

mountain bike park 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 located within the G zone identified on the Department's *Geotechnical Policy – Kosciuszko Alpine Reports*, Thredbo Map.

The Applicant commented that the proposed trail does not require any structures or platforms to traverse watercourses and therefore, only comprises minor earthworks. Therefore, a Form 4 is not required.

The Department has considered the Applicants comments and the objectives of the Geotechnical Policy.

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.

Geotechnical impacts and advice are detailed further in **Section 4** of this report.

(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 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.

Section 4.29 Consideration of environmental, geotechnical and other matters

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

(a) measures proposed to address geotechnical issues relating to the development,	Refer to comments above.
(b) the extent to which the development will achieve an appropriate balance between - (i) the conservation of the natural environment, and (ii) taking measures to mitigate environmental hazards, including geotechnical hazards, bush fires and flooding,	The proposal relates to the development of a new adaptive mountain bike trail and installation of a new lifting camera and associated trenching. The proposed works have been designed to avoid significant areas of high biodiversity values and mitigate impacts on the natural environment. The land is not subject to flooding and no measures to protect against bushfire are required. Natural hazards have been adequately addressed.
(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,	Mountain biking is the predominant summer sport within Thredbo Alpine Resort, with the resort already containing an extensive network of trails that are visible from Thredbo Village and Alpine Way. The Department considers the construction of the mountain bike trail and camera installation would not result in any negative visual impacts on the locality greater than that which currently exists.
(d) the cumulative impacts of development and resource use on the environment of the Alpine Subregion in which the development is carried out,	The works proposed relate to the construction of a mountain bike trail and trenching that does not traverse biodiversity values (BV) mapped land. The development will not result in any changes to resource use or impact the facilities in the Alpine Resorts.
(e) the capacity of existing infrastructure and services for transport to and within the Alpine Region to deal with additional usage generated by the development, including in peak periods,	The usage of the existing infrastructure and service network is predicted to be sufficient to support the additional infrastructure proposed as a result of the project.
(f) the capacity of existing waste or resource management facilities to deal with additional waste generated by the development, including in peak periods.	The project will not generate ongoing operational waste by the development. The capacity of existing waste facilities to deal with any waste from the project is considered adequate.

Under section 4.29(2) - For development involving earthworks or stormwater draining works, the consent authority must also consider -

Measures to mitigate adverse impacts associated with the works

No negative impacts to stormwater are anticipated.

Measures to mitigate impacts of the earthworks have been considered previously and are detailed further in **Section 4** of this report. The impacts are considered to be acceptable.

Under section 4.29(3) - For development the consent authority considers will significantly alter the character of an Alpine Subregion, the consent authority must also consider -

(a) the existing character of the site and immediate surroundings, and

The development will not significantly alter the character of an Alpine Subregion, or the character of the site and immediate surroundings.

(b) how the development will relate to the Alpine Subregion.

As above.

Section 4.30 Kosciuszko National Park Plan of Management

Consistency between the development and the Kosciuszko National Park Plan of Management

The proposal relates to the development of a new adaptive mountain bike trail and installation of a new lifting camera and associated trenching.

NPWS have commented that the works are consistent with the management objectives for section 10.2 (Alpine Resorts Management Units), section 10.4 (Thredbo Management Unit), and section 11.6 (Environmental Quality) and section 8 (Recreation).

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;
- measures taken to avoid, minimise and mitigate impacts to the vegetation and habitats present within the development footprint during the design, construction and operation of the proposal have been incorporated into the proposal; 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 application is supported by a Flora and Fauna Assessment advising the proposed works will result in the clearing of 0.88 ha of vegetation, of which no endangered ecological species will be impacted. The assessment determined that no substantial modification to surface or subsurface hydrology would occur as a result of the development, and the impacts to key fauna habitats will be minimal as the Resort contains a large number of habitats and foraging areas for key species known to the area.

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 works are not located within an area mapped on the BVM. There is currently no declared area of outstanding biodiversity value within KNP.

Water Management Act 2000

The proposed development is classified as integrated development under section 4.46 of the EP&A Act as works are to occur within forty (40) metres of a watercourse (**Figure 9**).

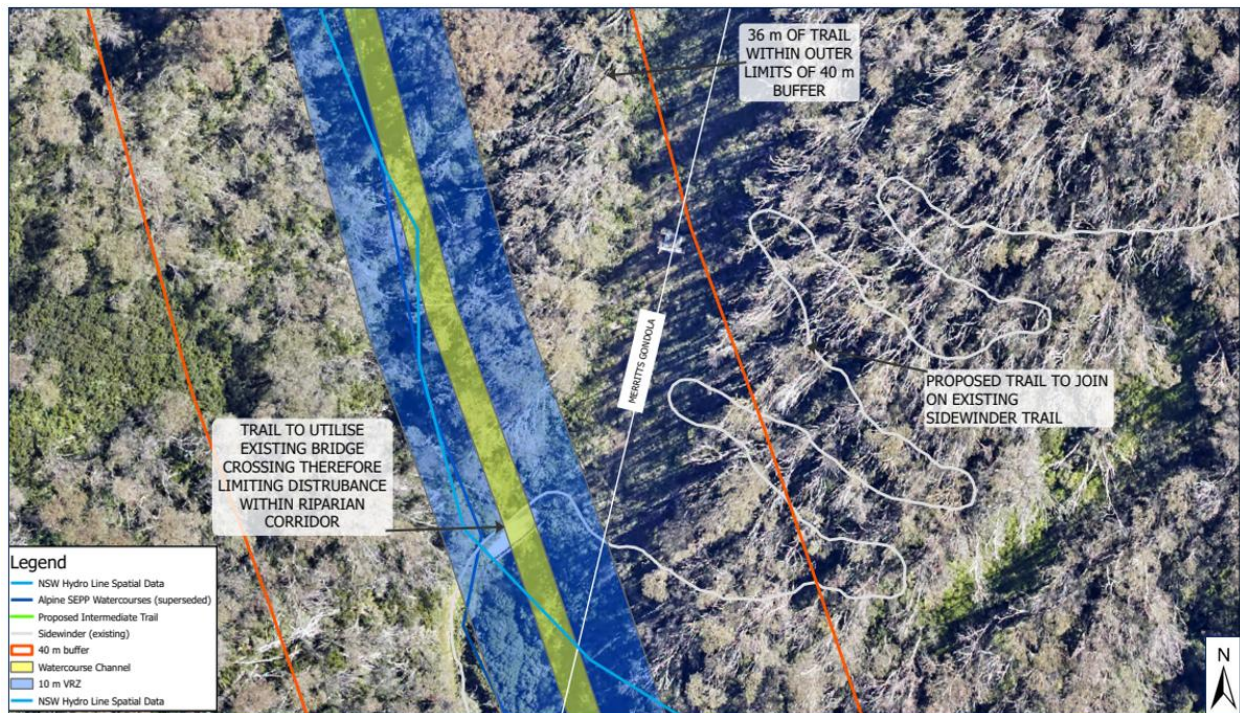


Figure 9 | Map identifying the location of proposed works within 40 metres of a watercourse (Source: Applicant's SEE 2024)

The application was referred to the Department of Planning and Environment – Water (DPE - Water) who have issued General Terms of Approval (GTA) for the development. Prior to the commencement of works, the Applicant is required 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, April 2024 (in force at the time of lodgement), 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. As the application includes development that is within forty (40) metres of a watercourse, the Department exhibited the application on the NSW Planning Portal website between 04 February 2025 and 03 March 2025.

Pursuant to s. 4.46 of the EP&A Act (integrated development), the application was referred to the Department of Planning and Environment – Water (DPE-Water) as a Controlled Activity Approval under the *Water Management Act 2000* is required for development within forty (40) metres of a watercourse.

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

3.2 Summary of submissions

NPWS

NPWS were broadly supportive of the proposal, though noted that incremental expansion of the mountain bike trail network has resulted in cumulative impacts that have not been appropriately addressed, and recommends the Applicant consult with NPWS for the appropriate management of impacts, including habitat fragmentation and erosion of alpine humus soils and slope instability. Additionally, NPWS noted that a possum drey was identified during a site visit, which must be avoided during construction.

NPWS did however raise concerns with the Site Environmental Management Plan (SEMP), and requested it be updated to ensure that excess vegetation is not spread too deeply, which can result in smothering and impeded regrowth.

NPWS recommended conditions of consent for the development, including the avoidance of wombat burrows and possum dreys, and ongoing monitoring of trail conditions.

A detailed assessment can be 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*.

Public Submissions

No public submissions were received during the exhibition 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

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 2**, the proposed site is primarily disturbed land which does not contain, and is not adjacent to, high biodiversity values identified listed on the Biodiversity Values (BV) map. The proposed site does however contain an area dedicated as a voluntary offset area under DA 6571 which requires clearing for trenching.

The Applicant's Flora and Fauna Assessments notes that the site and surrounding area supports four native vegetation communities, being the Subalpine Riparian Scrub, Subalpine Woodland, Tall Subalpine Heath and Montane Wet Tussock Grassland (**Figure 10**). Exotic Grassland has also been identified within parts of the Site. The Site does not support any Endangered Ecological Communities (EEC).

To support the development, vegetation clearing within a 4-metre-wide corridor is proposed and will impact small trees, shrubs and groundcover. The total vegetation disturbance footprint of the proposal is 0.88ha, which does not trigger the requirement for a BDAR.

NPWS raised no concerns with the proposal, though noted that the SEMP should be updated to ensure that excess vegetation is not spread too deeply and result in smothering and impeded regrowth.

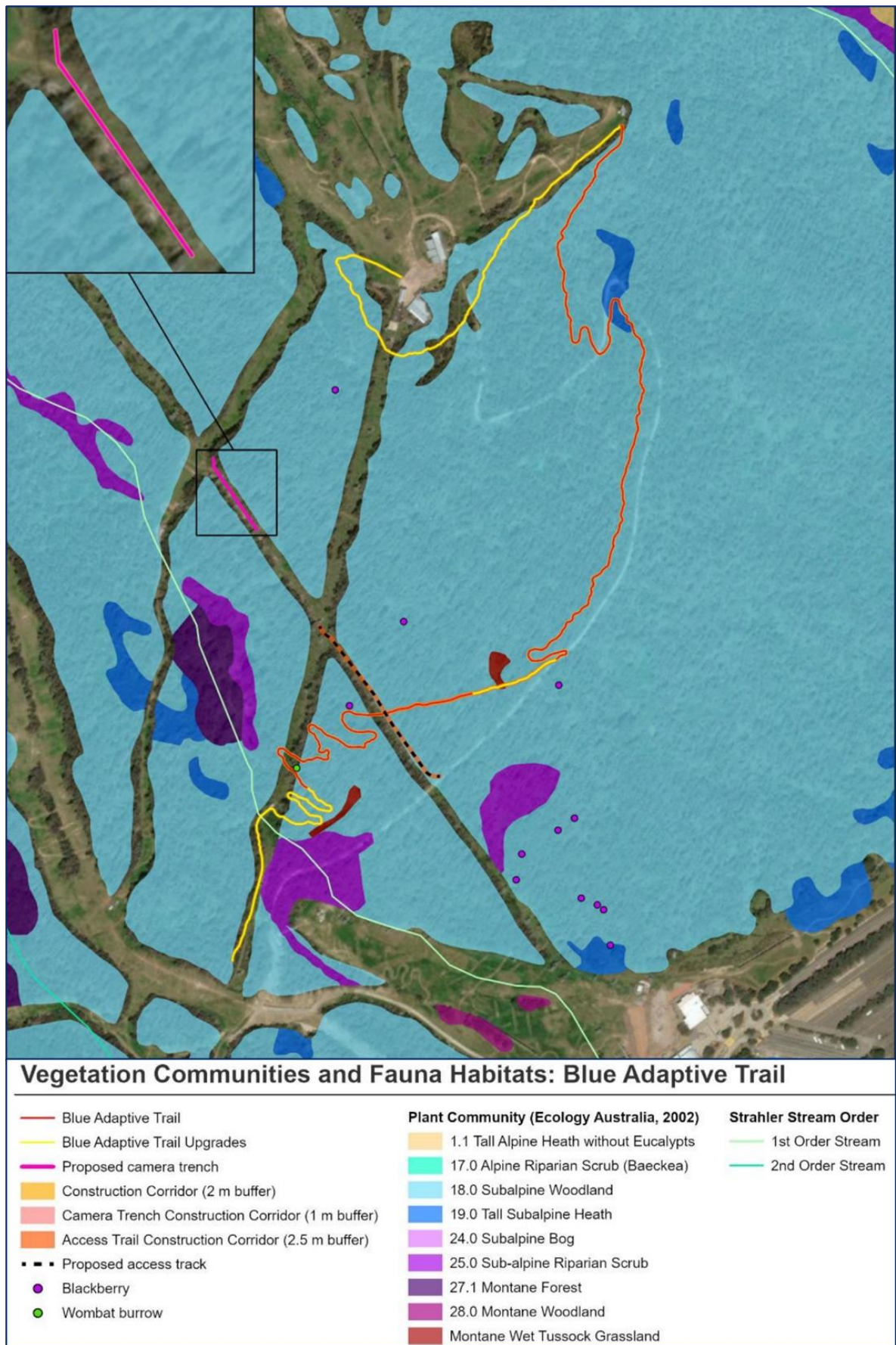


Figure 10 | Species location and trail alignment (Source: Applicant's SEE 2024)

Clearing of voluntary offset area

As discussed in **Section 1**, the Applicant proposes to clear vegetation within a voluntary offset area dedicated under DA 6571 to facilitate trenching for the camera installation. The Applicant states that the camera installation is necessary and responds to a SafeWork NSW requirement.

The Department notes that the voluntary offset area is subject to a rehabilitation and management plan which requires the Applicant to allow the vegetation to recruit naturally to a height of 500mm before slashing can occur. Consequently, the Department has issued conditions of consent which require the Applicant to undertake rehabilitation in line with the detailed rehabilitation and monitoring plan submitted as part of this application, which has consideration of the approved rehabilitation plan under DA 6571.

NPWS raised no concerns with the clearing of the voluntary offset area.

Species impacts

The Applicant's Flora and Fauna Assessment identified that although species are known to forage in the area such as the Flame Robin, Gang-gang Cockatoo and the Scarlet Robin, the impacts would be minimal due to the extent of vegetation clearing and the widespread availability of habitats for affected species throughout the Resort. Additionally, special habitats for species such as *Mastacomys fuscus* (Broad-toothed Rat) which is listed as endangered under the BC Act and *Environmental Protection and Biodiversity Conservation Act 1999* {*cwth*), would not be impacted by the works.

The Assessment did identify that the development would occur within close proximity to one wombat burrow, but that the minor footprint of the development is unlikely to result in the removal of the burrow or relocation of the wombat.

Given the minor amount of native vegetation to be impacted, the Department in consultation with NPWS is satisfied that the development is unlikely to have a significant impact on any threatened fauna species. NPWS raised no concerns with the conclusions made within the Flora and Fauna Assessment, and recommended conditions of consent for the inspection of hollow bearing trees for the Eastern Pygmy Possum prior to felling, and the avoidance of trees that contain possum dreys during trail alignment.

Conclusion

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

Conditions are recommended to ensure areas impacted by construction be rehabilitated in accordance with the "*Rehabilitation Guidelines for the Resort Areas of Kosciuszko National Park (DECC 2007)*". Appointment of an Environmental Officer, engaged by the Applicant, will be required to review the works prior and during construction to ensure that the proposal meets the identified outcomes.

The Department considers that impacts to the environment have been sufficiently avoided and mitigated. Consequently, the impacts are considered to be acceptable.

4.2 Surrender of consent

As discussed in **Section 1**, DA 21/11659 was approved for the construction and operation of a new mountain bike trail section known as the Gondola Connect (now incorporated into the Sidewinder Trail).

The Department notes that the proposed development would result in the entirety of the trail approved under DA 21/11156 being altered and incorporated into the trail subject to this DA. Consequently, the Department has recommended a condition of consent for the surrender of DA 21/11659 prior to the commencement of works.

4.3 Construction impacts and access

Access to the development site will be via the summer mountain access road. Closure of the existing Gondola Connect and Sidewinder trails may be required during construction if the works are to occur during the summer period.

Construction corridor

Consistent with previous trail construction within Thredbo Alpine Resort, the Applicant has based the proposed trail alignment on a corridor of 20 metres (10 metres either side of the ground-truthed alignment). 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 of 20 metres is satisfactory as it would enable the trail construction builders to review its alignment prior to and during construction, without the need for further assessment. Ensuring the construction builders meet conditions relating to the construction and avoiding sensitive areas is still recommended as part of the conditions.

Trail tread and disturbance corridor

To support adaptive rider use, the Applicant proposes an average trail tread of 1500mm, which is 900mm wider than the standard trail tread used for intermediate mountain bike trails. A disturbance corridor of three (3) metres to four (4) metres has also been proposed to account for the wider trail tread. The Applicant states that the trail tread width responds to guidelines on adaptive trail construction, which recommend a minimum trail tread of 1500mm for intermediate adaptive trails.

The Department considers that the proposed trail tread and disturbance corridor are satisfactory, and would promote positive outcomes for adaptive riders and visitation to KNP. Conditions of consent have been recommended to minimise impacts from the trail construction on the surrounding natural environment.

NPWS raised no concerns with the proposed trail tread and disturbance corridor.

Stockpiling

Stockpiling of materials is permitted within Thredbo's approved stockpile sites within the Resort, with temporary stockpiling to occur within the construction corridor as necessary.

Stockpiling is to be undertaken in accordance with the Stockpiling Guide and Rehabilitation Guide prepared by NPWS, and the Site Environmental Management Plan (SEMP) prepared by Kosciuszko Thredbo.

Conclusion

Construction management will be in accordance with the approved SEMP and in consultation with NPWS.

The Department has recommended standard construction conditions applied in the Alpine area, along with recommended conditions from NPWS, including (but not limited to) baseline trail condition monitoring, and an update to the existing 'Thredbo Mountain Bike Trail Management Plan' (TMP) and 'Trail Inspection and Monitoring Plan' (TIMP) to encompass the new trail and incorporate its monitoring and reporting regime under both plans.

Subject to compliance with these conditions, the Department is of the view that the construction of the proposed works would not impact upon buildings located within proximity of the site or the environment.

5 Recommendation

The Department has assessed the merits of the proposal in accordance with the relevant requirements of the EP&A Act. The Department's assessment concludes the proposal is acceptable as:

- the proposal is permissible with consent under the Precincts - Regional SEPP
- there will not be a significant impact on any threatened species, populations or ecological communities, and the natural environment and cultural values associated with KNP are protected
- the construction of the new mountain bike trail will minimise impacts to the environment while allowing for individuals of all abilities 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.

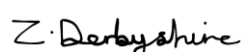
The Department, therefore, recommends that the application be approved, subject to recommended conditions. In accordance with the Minister's delegation of 9 March 2022, a Team Leader, Alpine Resorts Team may determine the application as:

- 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 - Assessments, 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 25/817, subject to the recommended conditions
- **signs** the attached Development Consent (**Appendix A**).

Recommended by:



Zac Derbyshire
Planning Officer
Alpine Resorts Team

Adopted by:

 4/11/2025

Mark Brown
Team Leader - Assessments
Alpine Resorts Team
as delegate of the Minister for Planning

Appendices

Appendix A – Recommended Instrument of Consent