



# Kosciuszko Flow Trail Realignment, Little Beauty Jumps Bypass and Wombat Walk Connector Mountain Bike Trail, Thredbo Modification

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Modification Application Assessment (MOD 25/391 (DA 24/964 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
RFS	NSW Rural Fire Service
SEPP	State Environmental Planning Policy

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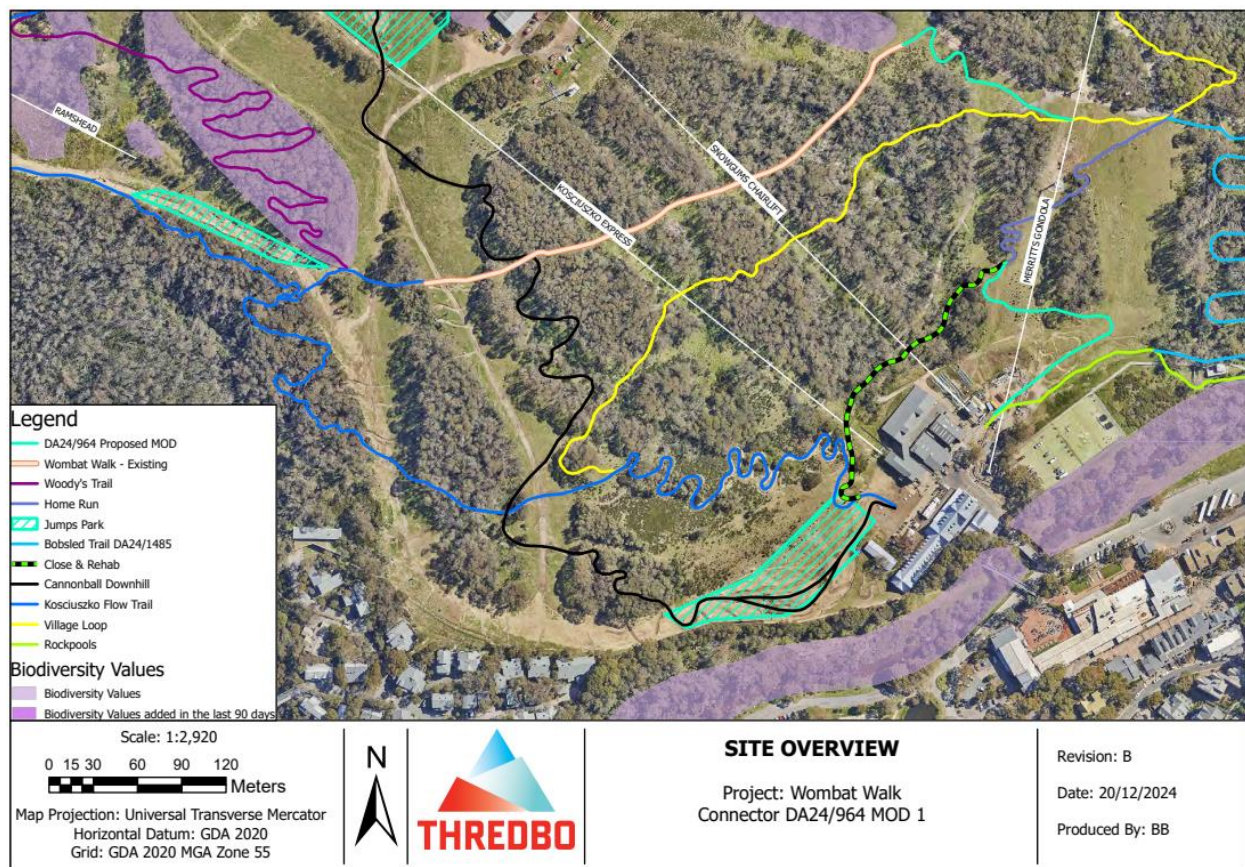
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# 1 Introduction

The modification application seeks approval to modify development consent (DA 24/964) for the construction of the Kosciuszko Flow trail realignment including the Little Beauty Jumps Bypass and Wombat Walk Connector Mountain Bike Trail. The site is within the Thredbo Head Lease Area on land described as Lot 876 DP1243112 (**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).

This proposal to modify DA 24/964 seeks approval for variations to the approved trail alignment of the Wombat Walk Connector Trail (**Figure 2**).



**Figure 1** - Site map identifying the Kosciuszko Flow Trail, Jumps Park Bypass and Wombat Walk Connector mountain bike trails overview (Source: Applicant's documents)

On 8 April 2024, the Team Leader of the Alpine Resorts Team, as delegate of the Minister for Planning, granted consent to a Development Application (DA 24/964) for the construction of the Flow Trail Mountain Bike Trail re-alignment – Little Beauty and Wombat Walk comprising:

- the realignment of Kosciuszko Flow trail at the Little Beauty Jumps Park including:
  - new Jumps Park bypass mountain bike trail
  - the closure and rehabilitation of a section of the existing Flow Trail
- new Wombat Walk mountain bike trail which utilises the existing Wombat Walk access track
- two new sections of Wombat Walk mountain bike trail including one platform
- Associated vegetation removal and earthworks.

The applicant notes that following completion of the Alpine Coaster installation, it was determined the safety clearances for the original trail sections that traverse below the coaster infrastructure are not suitable. The purpose of the modification is to realign the trail away from the coaster footprint. The modification includes the realignment and construction of the Wombat Walk connector trail, as shown in **Figure 2**, including vegetation clearing and site rehabilitation.

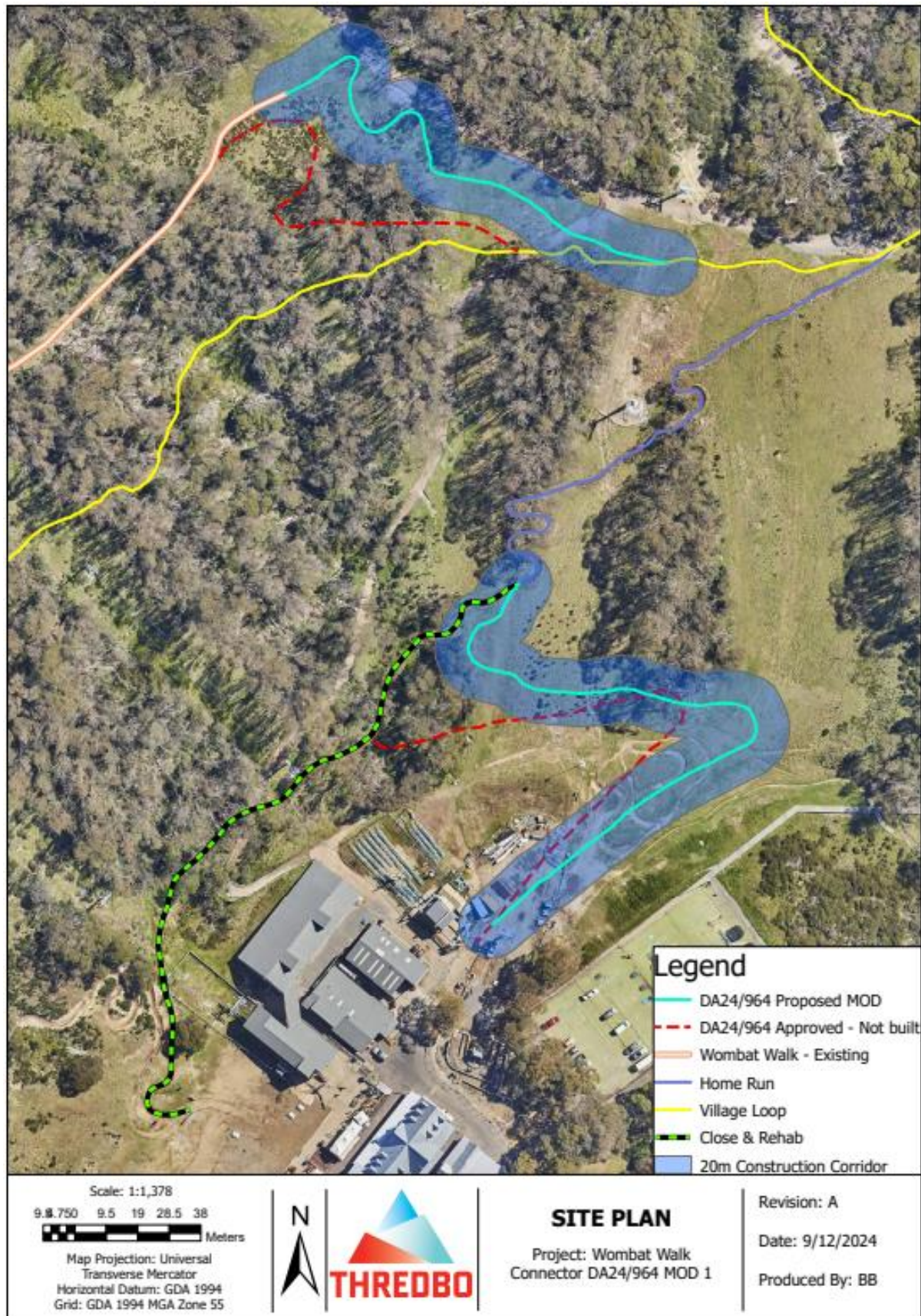
In response to the realignment, an approved platform over a drainage flow path on the Wombat Walk Connector is no longer required. The Applicant notes that construction certificate conditions in the approved consent relate to the approved platform and consequently propose to remove conditions under Part B of the consent.

The application also proposes the closure and rehabilitation of sections of the existing Home Run Trail in as shown in **Figure 2**.

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 supporting documents to this assessment report can be found on the NSW Planning Portal website at: <https://www.planningportal.nsw.gov.au/development-assessment/state-significant-applications/projects/state-development-applications>





**Figure 2 |** Site map identifying Wombat Walk Connector Mountain Bike Trail, showing as approved, and modified trail (Applicant's documents)

## 2 Matters for Consideration

### 2.1 Strategic Context

#### South East and Tableland Regional Plan 2036

The Department considers the proposal continues to be consistent with the Regional Plan as the modifications to the trail alignment would enable opening of the trail that benefits the mountain bike community, which supports visitation to Thredbo Alpine Resort.

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

The draft plan was publicly exhibited originally between 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.

#### Snowy Mountains Special Activation Precinct Master Plan

The Department considers that the proposal supports the vision of the Master Plan, while also ensuring impacts upon the environment have been considered against those previously approved.

#### Precincts – Regional SEPP

The Department considers the proposal continues to be consistent with Chapter 4 of the Precincts – Regional SEPP as the proposal continues to minimise potential impacts on the environment (by utilising disturbed areas where possible or locating trails away from sensitive vegetation types) and ongoing winter operations (by avoiding the need to modify the trails prior to winter), and rehabilitating areas of disturbance at the completion of works.

### 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 24/964. 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 effect threatened species or ecological communities, or their habitats; or
- the works are carried out in a declared area of outstanding biodiversity value.

The proposal will not trigger the BOS, as it will not affect any land identified on the Biodiversity Values map and the total clearing of native vegetation associated with the proposal will not exceed the 1 ha threshold which applies to the Thredbo Resort Area.

The Flora and Fauna Assessment concluded:

- the proposal will not affect any potentially important habitats for threatened fauna species. The proposal will not sever any linkages between habitats or otherwise permanently restrict fauna movement; and
- the proposal is unlikely to have a significant effect on threatened species, populations or ecological communities or their habitats.

The Department notes that the amendments to the trail have been appropriately considered by the Applicant's ecologist, with no concerns raised by the NPWS. 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 24/964).

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 to facilitate the alterations to a mountain bike trail of the with minimal impact on adjoining land users.</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>	The proposal seeks to alter the existing Wombat Walk Connector Trail alignment. 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.
(c) <i>The application has been notified in accordance with the regulations or a development control plan</i>	In accordance with the Department's Community Participation Plan (CPP), April 2024, the Department publicly exhibit 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).
(d) <i>Consideration of any submissions made concerning the proposed modification within the period prescribed by the regulations</i>	No submissions from the public were received during the exhibition period. The Department has considered the comments received from relevant government agencies and considered their responses, (refer to <b>Section 3</b> and <b>4</b> of this report).

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 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 will be a small increment in the disturbance footprint, however the impacts will be minimal in extent and appropriately managed with the impacts considered acceptable. No variation is required to the Department's previous assessment.

Therefore, the Department is satisfied the proposed modification is within the scope of section 4.55(1A) of the EP&A Act and does not constitute a new development application. Accordingly, the Department considers that the application should be assessed and determined under section 4.55(1A) of the EP&A Act rather than requiring a new development application to be lodged.

## 2.4 Other approvals

### Water Management Act 2000

As the original works occurred within forty (40) metres of watercourse an approval was required from then Department of Planning and Environment – Water (now known as the Department of Climate Change, Energy, the Environment and Water (DCCEEW)). The DPE-Water at the time issued General Terms of Approval for the development requiring the Applicant to obtain a Controlled Activity Approval under the *Water Management Act 2000* prior to the commencement of works.

The Department notes the Wombat Walk Connector is not located within 40m of a mapped watercourse.

Refer to **Section 3** for further discussion on this component in relation to the modification 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. The Department made the application publicly available on the NSW Planning Portal website between 20 January 2025 and 3 February 2025.

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

The application was also referred to DCCEEW Water, as the original application was integrated development pursuant to section 4.46 of the EP&A Act as a Controlled Activity Approval under the Water Management Act 2000, as is required for the development to be carried out works are proposed within the forty (40) metres of a watercourse.

### 3.2 Summary of submissions

The Department received no public submissions to the proposed modifications.

#### NPWS

NPWS were supportive of the proposal, particularly in regard to the use of previously disturbed areas for new trails, especially in mapped areas of biodiversity value.

NPWS have requested baseline trail condition monitoring data be collected on completion of trail construction, as well as ongoing monitoring of the trail condition to be performed annually, replicating the baseline monitoring data collection methodology used post-construction completion.

Additional NPWS recommended conditions for the management of impacts are identified in **Section Error!** Reference source not found..

#### DCCEEW Water

DCCEEW Water did not object to the modified proposal and advised for the purposes of the Water Management Act 2000 (WMAAct) the previously issued General Terms of Approval are adequate, remain current, and no further assessment by this agency is necessary.

## 4 Assessment

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

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

The Department's assessment considers the modification would not result in additional impacts upon the natural environment, with the modification application relating wholly to the construction of the Kosciuszko Flow trail realignment including the Little Beauty Jumps Bypass and Wombat Walk Connector Mountain Bike Trail.

The Applicant indicates the works are substantially the same as the development for which the consent was originally granted. With the implementation of appropriate environmental controls that were approved under DA 24/964, the impacts of the proposal are considered acceptable.

Noting the above, the proposed modification to the consent is supported, subject to updating the conditions of consent where relevant to the modification documentation.

## 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 submission provided by 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 modification 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 A**). In accordance with the Minister's delegation dated 9 March 2022, the Team Leader, Alpine Resorts, Regional Assessments 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, Regional Assessments, as delegate of the Minister for Planning:

- **considers** the findings and recommendations of this report
- **determines** that the modification application MOD 25/391 (DA 24/964 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 24/964
- **signs** the attached approval of the modification (**Appendix A**).

**Recommended by:**



**Guy Hanna**  
Student Planner  
Alpine Resorts Team

**Adopted by:**



29/4/2025

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



# Appendices

## Appendix A – Notice of Modification