

Development Consent

Section 4.16 of the *Environmental Planning & Assessment Act 1979*

As delegate of the Minister for Planning, under delegation executed on 9 March 2022, I approved the Development Application referred to in Schedule 1, subject to the conditions in Schedule 2.

These conditions are required to:

- prevent, minimise, or offset adverse environmental impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the development.



Mark Brown
Team Leader Assessments
Alpine Resorts Team, Regional Assessments
Department of Planning, Housing and Infrastructure

Jindabyne

23 October 2025

SCHEDULE 1

Application No.:	DA No 25/10134
Applicant:	Kosciuszko Thredbo Pty Ltd
Consent Authority:	Minister for Planning
Land:	Playground Mountain Bike Trail, Thredbo Alpine Resort, Kosciuszko National Park
Type of Development:	General Development
Approved Development:	Use of the Playground Mountain Bike Trail, as outlined in Condition A.2

DEFINITIONS

Act	means the <i>Environmental Planning and Assessment Act, 1979</i> (as amended).
Applicant	means Kosciuszko Thredbo Pty Ltd, or any person carrying out any development to which this consent applies.
Approval Body	has the same meaning as within Division 4.8 of Part 4 of the Act.
DA No 25/10134	means the development application submitted by the Applicant on 24 July 2025.
BVM	means the Biodiversity Values Map prepared under Part 7 of the <i>Biodiversity Conservation Regulation 2017</i> (NSW), version as published at the time of approval.
Department	means the Department of Planning, Housing and Infrastructure, or its successors.
Development	means the development approved pursuant to this consent, as defined in Condition A.2 and as modified by the conditions of this consent.
Director	means the Director of Regional Assessments or a delegate of the Director of within the Department.
Environmental Officer	means the person appointed by the Applicant in accordance with Condition B.5.
EP&A Regulation	means the <i>Environmental Planning and Assessment Regulation, 2021</i> (as amended).
Minister	means the Minister for Planning, or nominee.
NPWS	means the National Parks and Wildlife Service, or its successors.
Non-compliance	means an occurrence, set of circumstances or development that is a breach of this consent.
Park	means the Kosciuszko National Park reserved under the <i>National Parks and Wildlife Act 1974</i> .
Precincts - Regional SEPP	means the <i>State Environmental Planning Policy (Precincts – Regional) 2021</i> (as amended), that includes Chapter 4 – Kosciuszko National Park and alpine resorts.
Rehabilitation Guide	means the NPWS document entitled: <i>Rehabilitation Guidelines for the Resorts Areas of Kosciuszko National Park</i> (2007) a copy of which is available at: Rehabilitation guidelines for the resort areas of Kosciuszko National Park NSW Environment and Heritage
Secretary	means the Secretary of the Department, or nominee/delegate.
Secretary's approval, agreement or satisfaction	means a written approval from the Secretary or nominee/delegate.
Site Environmental Management Plan (SEMP)	means a site environmental management plan for the Subject site, prepared by the Applicant as part of Condition A.2.
Stockpile Guide	means the NPWS document entitled: ' <i>Soil Stockpile Guidelines for the Resort Areas of Kosciuszko National Park, October 2017</i> ', a copy of which can be obtained from the NPWS Resorts Environmental Services Team.
Subject site	means that area of the Thredbo Alpine Resort within the Park described in the documentation listed in Condition A.2
Team Leader	means the Team Leader Assessment of the Alpine Resorts Team or a delegate of the Team Leader Assessment of the Regional Assessments Team within the Department.

PART A – ADMINISTRATIVE CONDITIONS

A.1. Obligation to minimise harm to environment

In addition to meeting the specific performance measures and criteria established in this consent, all reasonable and feasible measures to prevent, and if prevention is not reasonable and feasible, minimise, any material harm to the environment that may result from the construction and operation of the Development.

A.2. Development in accordance with approved documentation and plans

The Development must be in accordance with:

- (a) the Development Application No. 25/10134 lodged by the Applicant on 24 July 2025;
- (b) supporting documentation received during the assessment of the application
- (c) the conditions of this consent; and
- (d) the approved documents in the table below (except where modified by conditions of this consent):

Ref No.	Document	Title/Description	Author/Prepared by	Dated / Received	Document Reference
1	Statement of Environmental Effects (SEE)	Playground Mountain Bike Trail Application for use of Trail Thredbo Alpine Resort, Kosciuszko National Park	Kosciuszko Thredbo Pty Ltd	24 June 2025	Rev. 0
2	Flora and Fauna Assessment	Playground MTB Trail – Impacts on Biodiversity Values mapped areas and other non-compliance Thredbo Alpine Resort Appendix C in SEE	Eco Logical Australia Pty Ltd	7 March 2025	Ref 6614
3	Report	Letter of Justification	Chloe Chalk Kosciuszko Thredbo Pty Ltd	4 July 2025	Page 1
4	Report	RFI Response DA 25/10134 Works outside approved construction corridor, Playground Mountain Bike Trail, Thredbo (Lot 876 DP 1243112) - Request for Additional Information	Chloe Chalk Kosciuszko Thredbo Pty Ltd	12 August 2025	

5	Plan – excluding the incorrect mapping of the ‘No-Go’ areas– see Note 2	Approved Trail Alignment Vs Works as Executed Project DA 24/966 Playground MTB Trail Appendix A in SEE	Kosciuszko Thredbo Pty Ltd	3 February 2025	Revision A
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Note 1: In accordance with section 24(3)(a) of the EP&A Regulation, a Development Application is lodged on the day on which the fees payable for the Development Application under the EP&A Regulation are paid.

Note 2: All land identified on the BVM should be included as ‘No-Go’ areas on the plan included as Item 4 in the Table of approved documents in Condition A.2.

A.3. Inconsistency between documents

The conditions of this consent prevail to the extent of any inconsistency, ambiguity or conflict between them and a document listed in Condition A.2. In the event of an inconsistency, ambiguity or conflict between any of the documents listed in Condition A.2, the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

A.4. Lapsing of consent

This consent lapses five years after the date of consent unless work for the purposes of the use the subject of this Development is physically commenced.

A.5. Prescribed conditions

In undertaking the Development, the Applicant must comply with all relevant prescribed conditions of development consent under Part 6, Division 8A of the EP&A Regulation.

A.6. Australian standards

All works which are part of the Development must be carried out in accordance with relevant current Australian Standards.

A.7. Legal notices

Any advice or notice to the consent authority must be served on the Secretary.

A.8. Non-Compliance Notification

The Department must be notified in writing to compliance@planning.nsw.gov.au and alpineresorts@planning.nsw.gov.au within seven days after the Applicant becomes aware of any Non-compliance.

The notification must identify the Development and the application number for it, set out the condition of consent that the Development is Non-compliant with, the way in which it does not comply and the reasons for the Non-compliance (if known) and what actions have been, or will be, undertaken to address the Non-compliance.

A Non-compliance which has been notified as an incident does not need to also be notified as a Non-compliance.

A.9. Use of trail and maintenance corridor

- (a) The use of the trail and the adjacent maintenance corridor which is part of the Development is limited as follows:
- (i) Where the trail has been constructed over land that is mapped as BVM, the corridor is restricted to the location of the trail, as built.
 - (ii) Where approval was granted for the trail to be constructed in accordance with DA 24/966 between areas of BVM within the two (2) narrow corridors known as the former Lower All-Mountain (LAM) trail, the corridor is restricted to the identified LAM corridor only, excluding the adjoining BVM land on either side the two corridors.
 - (iii) Where the trail has been constructed in areas other than those identified in (a) and (b) above, a flexible corridor for ongoing maintenance of the trail shall extend from the approved location of the trail in accordance with DA 24/966 (the subject site) up to a distance of ten metres either side of the centre-line of the trail within the subject site, excluding any BVM land.
- (b) All construction and maintenance activities in connection with the Development are confined to the trail corridors as referenced in (a) above.

Note 1: the location of the trail for the purposes of paragraph (a)(i) above will be required to be documented in accordance with Condition B.1 of this consent.

Note 2: where the location of the trail as now built differs from the location of the subject site in paragraph (a)(iii) above, the original location of the trail as specified and assessed in DA 24/966 remains the centre-line of the maintenance corridor for the purpose of (a)(iii) above.

PART B – PRIOR TO THE COMMENCEMENT OF USE

B.1. Trail within BVM

- (a) Where the trail the subject of the Development has been constructed within land that is mapped on the BVM, a registered surveyor shall survey the location of the trail within all BVM areas; and
- (b) The surveyor shall provide plans of the areas surveyed pursuant to (a) above, where the survey plans are to detail the location of the BVM and the location and width of the trail, including the trail tread and any features within, or immediately adjoining the trail; and
- (c) A photographic record shall be compiled that clearly documents each section of the trail through the BVM area, as built. The record must include photographs that are high-resolution colour images, numbered and aligned with the location of the image to identified on a copy of the relevant survey plan required by (b) above, including details of the direction of the photograph to be shown on the plan by inclusion of an arrow.
- (d) The survey plans required in (b) above and photographic record required in (c) above shall be provided to the Department prior to commencement of the use of the trail.

Note: Consent for use of the existing trail through BVM relates only to use and maintenance of the existing trail in the location as built. Variations to the trail or any construction of ancillary works, features or structures within the trail on land mapped as BVM will require further development consent.

B.2. Works as executed plan

A 'works as executed' plan must be submitted to the Secretary or nominee, and a copy provided to the NPWS, which includes GPS coordinates of the full trail alignment and details of the construction of the trail.

B.3. Hardening period prior to use of trail

- (a) The Applicant must ensure that the trail which is the subject of the Development is not used for a minimum of 30 days ('Hardening Period') following works on the trail, including reinstatement of sections of the trail if structures have been removed during the ski season.
- (b) Despite paragraph (a), the Applicant's contractors and staff involved in the construction of the trail are permitted to ride the trail for the purposes of hardening it during the Hardening Period.
- (c) The Applicant must:
 - (i) advise the Department in writing on each occasion when works have been undertaken on the trail and the Hardening Period is commencing; and
 - (ii) allow representatives from the NPWS and the Department to inspect the trail during the Hardening Period.

B.4. Environmental Officer

- (a) Prior to use of the trail that is part of the Development, an appropriately qualified Environmental Officer must be appointed, and the Secretary or nominee must be notified of the identity and contact details of this person.
- (b) The Environmental Officer appointed in accordance with (a) above is to have experience with management of construction within, and rehabilitation of, sensitive environments.
- (c) In the event that the Environmental Officer needs replacing, the replacement is to be similarly qualified and the Secretary must be notified of the replacement (including of the replacement person's identity and contact details).

B.5. Rehabilitation, monitoring and maintenance plan

- (a) Prior to commencement of use of the trail that is part of the development, a detailed rehabilitation, monitoring and maintenance plan must be prepared in consultation with the NPWS, and the plan provided to and approved by the Secretary or nominee.
- (b) The plan required in (a) above must have a specific section that relates to the sections of the trail located on land within the area mapped on the BVM.

B.6. Rehabilitation

- (a) Prior to the issue of a statement of completion (Condition B.7), the appointed Environmental Officer (Condition B.4) must provide the Secretary or nominee with a statement confirming:
 - (i) whether the initial rehabilitation has been undertaken in accordance with the rehabilitation, monitoring and maintenance plan (Condition B.5), the Rehabilitation Guide, and these conditions of consent; and
 - (ii) whether the rehabilitation is considered satisfactory.
- (b) The Secretary or nominee shall not issue any Statement of Completion unless satisfied that all disturbed ground has been rendered erosion resistant and rehabilitated in accordance with the approved documentation and these conditions of consent.

B.7. Statement of completion

- (a) Upon completion of the hardening period following works to the trail (see Condition B.3), and before commencement of use, a statement of completion must be obtained from the Department for the trail.
- (b) The request for a statement of completion must be accompanied by:
 - (i) a statement from the appointed Environmental Officer (see Condition B.4) confirming whether the soil exposure, stabilisation and rehabilitation of the trail alignment is satisfactory and has been undertaken in accordance with the conditions of consent; and
 - (ii) a statement outlining compliance with all relevant conditions of consent.

B.8. International Mountain Bicycling Association (IMBA)

Prior to the use of the trail, which is part of the Development, certification that the trail is constructed in accordance with the IMBA guidelines must be submitted to the Secretary or nominee.

B.9. Baseline data for ongoing trail monitoring

- (a) The Applicant must arrange for a baseline monitoring data set for the trail which is part of the Development to be established at the completion of the trail construction and prior to any trail use.
- (b) The baseline monitoring data set must provide a starting point to measure changes in trail condition and monitor potential impact to surrounding areas, with a focus on areas most likely to be impacted through use (e.g. due to environmental sensitivity, traffic volumes or behaviour, and/or trail surface and grade). This information should be captured as photographs and geo-spatial data which can be displayed in a Geographic Information System.
- (c) The baseline monitoring data set must be submitted to the Secretary or nominee, after endorsement in writing by the NPWS.

B.10. Trail Management Plan

- (a) The Applicant must include the works approved under this consent into the Thredbo Mountain Bike Trail Management Plan (TMP) and any associated Trail Inspection and Monitoring Plan (TIMP) to ensure that the inspection, maintenance, monitoring and

- reporting requirements of the TMP and any TIMP apply to the Development in a manner consistent with other mountain bike trails in the Thredbo Alpine Resort network.
- (b) Amendments to the TMP and any TIMP for the purposes of (a) above must occur prior to a statement of completion (Condition B.7) being provided, and be:
 - (i) endorsed in writing by the NPWS; and
 - (ii) submitted to, and approved by, the Secretary.
 - (c) Once approved for the purposes of (b) above, the requirements of the TMP and any TIMP:
 - (i) for inspection, maintenance, monitoring and reporting must be implemented for the Development throughout the life of the trail; and
 - (ii) may be reviewed annually by the Applicant, in which case any further amendments to the TMP and any TIMP arising from that review will again be subject to the endorsement and approval requirements in (b) above.

B.11. Mountain bike trail condition assessment

Prior to the commencement of use, the bi-annual mountain bike trail Condition Assessment currently conducted as a joint monitoring program by NPWS and the Applicant must be modified to include any changes to the Mountain Bike Trail approved in this DA.

PART C – OPERATIONAL REQUIREMENTS

C.1. Rehabilitation

Up until the date 5 years after the issue of the statement of completion (Condition B.7) for the Development, all disturbed areas on and around the Subject site must be monitored and necessary action undertaken to ensure that:

- (a) the ground remains erosion resistant and groundcover is being established;
- (b) all areas planted with native species (including seeding), are surviving; and
- (c) all components of the detailed rehabilitation and monitoring and maintenance plan have been implemented and reported on.

C.2. Role of the Environmental Officer

The appointed Environmental Officer (Condition B.4) must oversee all works which are part of the Development on behalf of the Applicant to ensure:

- (a) compliance with all environmental protection measures in the approved documentation, including (without limitation) the documents to be approved as part of this consent; and
- (b) all Subject site environmental management measures are in place and adequately functioning throughout the entire phase of any works undertaken as part of the Development.

C.3. Tree roots

- (a) Tree roots exposed during ongoing use of the trail must be protected from damage (following discussions and direction from the Environmental Officer) by rock armouring, grade reversals, laying of imported material or other trail construction techniques.
- (b) No works referred to in (a) above may be carried out to the sections of the trail located on land which is part of the Development within the area mapped on the BVM unless the works are in accordance with the maintenance measures approved in accordance with the detailed rehabilitation and monitoring and maintenance plan (Condition B.5) and these conditions of consent.

C.4. Waste management

The trail which is part of the Development must be kept clean and tidy at all times. Where rubbish is identified, measures are to be implemented to rectify the issue.

C.5. Snow on trails

The trail which is part of the Development must not to be opened for use if there is snow on any part of it. Machinery is not to be used to clear snow off the trail where it is located within native vegetation.

C.6. Hours of operation for mountain bike associated events

Where the trail which is part of the Development is to be used for mountain bike events, the events must not open to the public earlier than 8:00 am and must close no later than 11:00 pm of each day of the event, unless otherwise agreed in writing by the Secretary or nominee.

C.7. Additional approvals or licences

It is the Applicant's responsibility to obtain any additional approvals or licences required in order to undertake an event for the purposes of Condition C.6.

C.8. Ancillary works guideline

- (a) Within 12 months of the issuing of any statement of completion (Condition B.7), the Applicant must prepare a 'Mountain Bike Trail Ancillary Works Guideline', which is to be:
 - (i) prepared in consultation with the NPWS; and
 - (ii) submitted to, and approved by, the Secretary.
- (b) The guideline in (a) above must incorporate parameters to allow for ancillary works, including ancillary structures, to be undertaken as part of this consent (therefore without separate development consent).
- (c) The provisions for ancillary works and structures to be undertaken on the trail without requiring separate development consent shall exclude works on land identified within the NSW Biodiversity Vegetation Mapped areas.

C.9. Ancillary structures

Where ancillary structures are permitted and installed in accordance with the approved ancillary works guideline (Condition C.8), notice must be provided to the Secretary or nominee prior to the works being undertaken.

C.10. Removal of ancillary structures for ski season

Where required, ancillary structures built along the trail which are part of the Development can be removed prior to the commencement of the ski season and then reinstated for the following mountain bike season.

C.11. Ongoing weed management

Ongoing weed management is required on the Subject site to ensure weed coverage does not increase in species, area or number.

C.12. Construction period

- (a) All works which are part of the development are limited to the "summer period" and are not to commence when snow is located on the Subject site. For the purposes of this condition, the summer period means the period of time commencing after the October long weekend (subject to no snow being on the Subject site) and ending no later than 30 April the following year in each year works are required to complete the Development, with finishing of rehabilitation and stabilisation works up until 30 May, or as otherwise approved by the Secretary or nominee.
- (b) By 30 April in each year works are required to complete the Development, the Applicant must ensure that the Subject site is made safe and secure (having regard to the use of the area) by undertaking the following:
 - (i) removal of all materials, vehicles, machinery, equipment and the like;
 - (ii) removal and/or securing of all stockpiles of soil and gravel;
 - (iii) protecting and fencing off any areas that are unsafe, for instance due to incomplete works;
 - (iv) stabilisation and rehabilitation works in accordance with these conditions of consent and the approved documentation (can occur until 30 May if required); and
 - (v) any other specific matters related to making the Subject site safe and secure raised by the Secretary or nominee.

C.13. Compliance

The Applicant must ensure that all employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the Development.

ADVISORY NOTES

AN.1 Appeals

The Applicant has the right to appeal to the Land and Environment Court in the manner set out in the *Environmental Planning and Assessment Act, 1979* and the *Environmental Planning and Assessment Regulation, 2021* (as amended).

AN.2 Responsibility for other consents / agreements

The Applicant is solely responsible for ensuring that all additional approvals, licenses, consents and agreements are obtained from other authorities, as relevant. No condition of this consent removes any obligation to obtain, renew or comply with such additional approvals, licenses, consents and agreements.