

**Modification Assessment Report  
MOD 7493**

**Modification (1) of DA 6571**

**Modification to the approved Stage 1B mountain  
bike trails, Thredbo Alpine Resort, Kosciuszko  
National Park**



Secretary's Environmental Assessment Report  
Section 96(1A) of the  
*Environmental Planning and Assessment Act 1979*

**February 2016**

Cover photo: Approximate area of realigned Trail 13 (Source: Department's site inspection)

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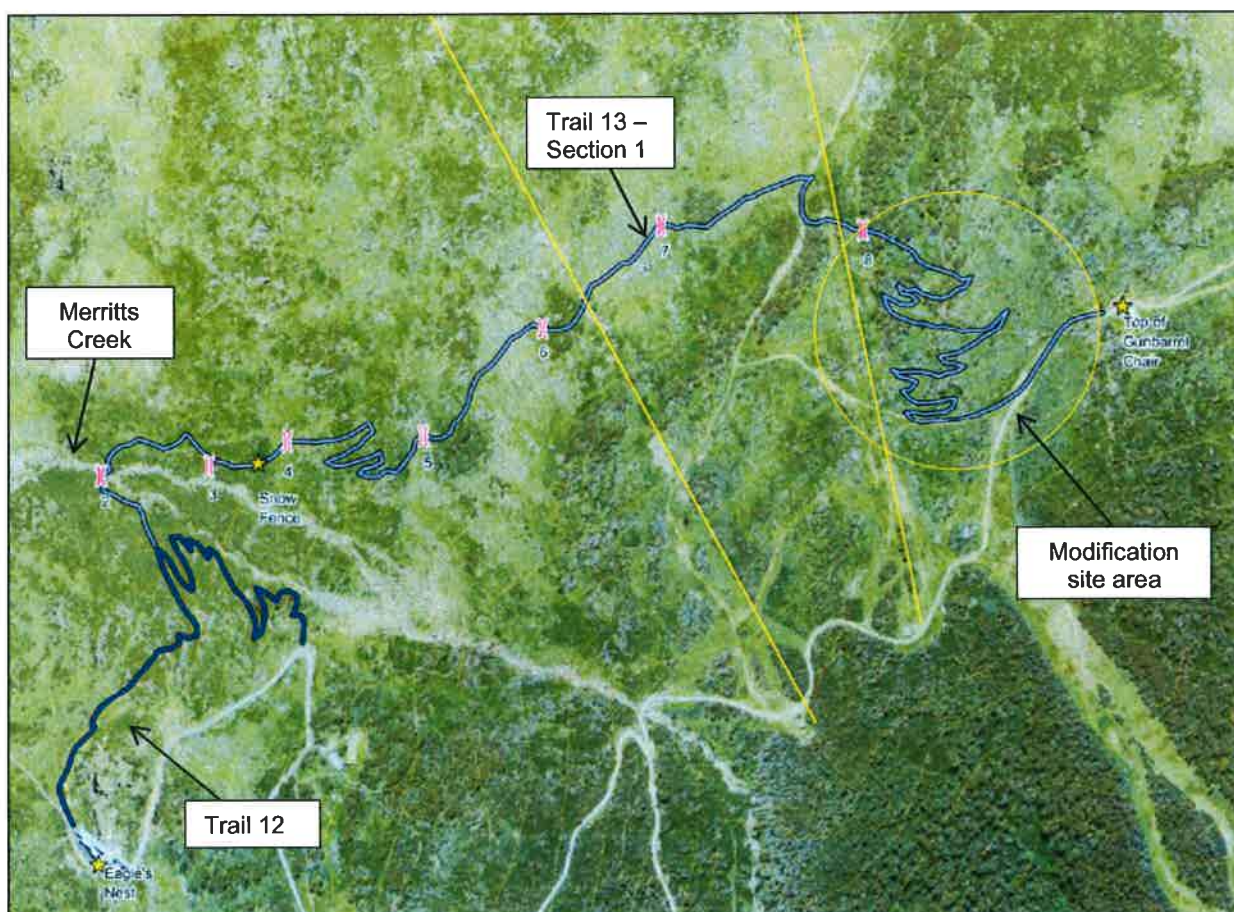
# 1 BACKGROUND

## 1.1 Introduction

This report provides an assessment of an application to modify Development Consent 6571 for the construction of mountain bike trails within Stage 1B at Thredbo under Section 96(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act). The modification seeks approval to amend the approved mountain bike trail (Trail 13 – Section 1) between Antons Access Road and the top of the Gunbarrel Chairlift.

## 1.2 The site

The Thredbo Alpine Resort is located within Kosciuszko National Park and provides both summer and winter activities, including mountain bike access across the mountain. The modification occurs along the approved Trail 13 – Section 1 (**Figure 1**), which provides a trail from the junction with Trail 12, through vegetation and across ski slopes before connecting onto existing trails (Stage 1A) from the Gunbarrell Chairlift top station.



**Figure 1:** Alignment of approved Trail 12 and Section 1 of Trail 13, with the modification area circled (Source: Applicant's original SEE and Department editing)

## 1.3 Original Development Consent – DA 6571

On 8 December 2015, the Director of Key Sites Assessments, as delegate for the Minister for Planning, approved the construction of the proposed Mountain Bike Trail Network (Stage 1B) comprising Trail 12 and Trail 13. In particular, the approval granted consent for:

- two mountain bike trails with a combined length of 3.5 kilometres;
- bridges and platforms;
- environmental offsets; and
- signage and associated works.

## 2 THE PROPOSED MODIFICATION

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The proposal seeks approval to modify the approved mountain bike trail (Trail 13) as a result of further refinement to the trail alignment (**Figure 2**). The Applicant states that the proposed modifications:

- reduce the trail length by approximately 400 metres and thus the trail footprint and associated disturbance by an estimated 680m<sup>2</sup>;
- substantially reduces the amount of *Ranunculus anemoneus* plants affected (Note: where the realigned trail does encounter *Ranunculus anemoneus* it is recommended that it is not necessary to transplant any affected plants in 15 of the 17 locations);
- enable a more gradual descent in elevation along the trail alignment thus reducing the occurrence of short steep sections of trail and thus the potential for erosion and subsequent impacts; and
- reduce the amount of rocks and trees that are to be removed and / or otherwise disturbed and thus reduces impacts on fauna habitats.



**Figure 2:** Proposed alignment of mountain bike trail (green line) compared with approved alignment (pink line) (Source: Applicant's MOD documentation)

## 3 STATUTORY FRAMEWORK

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### 3.1 Modification of Approval

The modification application has been lodged with the Department under Section 96(1A) of the EP&A Act. Section 96(1A) of the EP&A Act provides that a consent authority may, on 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 regulations, modify a consent that is deemed to be substantially the same development.

Section 96(1A) of the EP&A Act requires the following matters to be assessed in respect of all applications which seek modifications to approvals:

**Table 1:** Consideration under Section 96(1A) of the EP&A Act

Section 96(1A) matters for consideration	Comment
That the proposed modification is of minimal environmental impact	The proposed modification is considered to be of minimal environmental impact (see assessment in <b>Section 5</b> of this report).
The development to which the consent as modified relates is substantially the same development as the development originally approved	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. The Department's consideration of this is contained in <b>Section 5</b> of this report.
Whether notification has occurred and any submissions have been considered	There is no development control plan in place that requires the modification application to be notified. Given the modified alignment would result in less environmental impact, no additional notification was considered necessary.  No submissions were received.
Consideration of relevant matters referred to in Section 79C(1) of the EP&A Act	The relevant consideration under Section 79C(1) is the impact upon the existing environment. The proposed modification would have a reduced impact to that of the original approved alignment as outlined in <b>Section 5</b> .

### 3.2 Environmental Planning Instruments

State Environmental Planning Policy (Kosciuszko National Park – Alpine Resorts) 2007

The modification application is consistent with the aim and objectives of the Alpine SEPP. The proposal does not negatively impact the assessment carried out by the Department for the original application.

'Recreational infrastructure' is permissible with consent pursuant to Clause 11 of the Alpine SEPP and the Thredbo Alpine Resort land use table.

### 3.3 Delegation

The original application was determined under the delegation of the Minister for Planning, therefore the Minister remains as the consent authority for any subsequent applications to modify the consent.

In accordance with the Minister's delegation of 16 February 2015, the Team Leader, Alpine Resorts Team may determine the application as:

- the application relates to land to which *State Environmental Planning Policy (Kosciuszko National Park – Alpine Resorts) 2007* applies; and
- there are less than 25 public submissions in the nature of objections.

## 4 CONSULTATION AND SUBMISSIONS

After accepting the application, the Department made the application publically available on its website. Due to the nature of the proposed modification, and that the modified alignment would

result in less environmental impact, the Department did not exhibit or notify the application. No public submissions were received during the assessment of the modification.

The modification was referred to the Office of Environment and Heritage (OEH) for comment and to the NSW Office of Water (NOW) for information.

The OEH have raised no concerns with the proposed modification and concurs with the Applicant that the *Ranunculus anemoneus* plants within the proposed realignment will not require transplanting.

No concerns were raised from the NOW.

## 5 CONSIDERATION

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The approval of the Stage 1B mountain bike trails increased the number of trails available at Thredbo and also provided a mountain bike trail within the sensitive Alpine environment. Increased visitation of mountain bike riding to the site, and consequently to Kosciuszko National Park, is expected once the trail is completed.

The modification seeks to amend the alignment of Trail 13 following discussions between the Applicant and the trail builders to assist construction, minimise potential impacts on the environment and improve rider experience. Through this review process, the Applicant's revised alignment reduces the potential impacts associated with the trail by effectively reducing the overall length of the trail and having greater consideration to utilising the existing natural environment.

The Department has assessed the potential impacts associated with the proposal and considers that the revised alignment:

- reduces the extent of clearing to form the trail (minimises the loss or trimming of existing Snow Gums);
- reduces its impact upon the amount of *Ranunculus anemoneus* to be removed or disturbed (as also noted by the OEH); and
- provides an improved rider experience through a reduction in steeper / rock sections across the length of the trail.

The Department is satisfied that the proposal is appropriate and the Applicant has reduced its impact upon the sensitive environment. The Department supports continual review of the trails as undertaken by the Applicant to minimise impacts upon the natural environment.

The proposal still remains substantial the same as originally approved and there will be minimal environmental impact as a result of the realignment. No new Section 79C(1) matters are raised as a result of the amended alignment than originally considered.

On this basis, the Department supports the proposed amended alignment for Trail 13.

## 6 CONCLUSION AND RECOMMENDATION

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### 6.1. Conclusion

After consideration of the proposal against the relevant statutory considerations, Section 79C and 96(1A) of the EP&A Act and the provisions of the Alpine SEPP, it is concluded that the proposed modifications to the approval is appropriate.

The proposal is permissible and no submissions were received regarding the application. The environmental impact from the modification due to the re-alignment of the trail is reduced compared to the approved alignment.

Consequently, it is recommended that the modification be approved subject to the recommended conditions.

## 6.2. Recommendation

It is recommended that the Team Leader, Alpine Resorts Team, as delegate for the Minister for Planning:

- a) **consider** the findings and recommendations of this report;
- b) **approve** the modification (MOD 7493) under Section 96(1A) of the *Environmental Planning and Assessment Act 1979*; and
- c) **sign** the attached Notice of Determination.

Prepared by:



Mark Brown  
**Senior Planner**  
**Alpine Resorts Team**

Approved by:

  
3/3/2016

Daniel James  
**Team Leader**  
**Alpine Resorts Team**

## **APPENDIX A. RELEVANT SUPPORTING INFORMATION / SUBMISSIONS**

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The following supporting documents and information to this assessment report can be found on the Department's website at:

[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=7493](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7493)



## **APPENDIX B. RECOMMENDED MODIFICATION CONSENT**

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