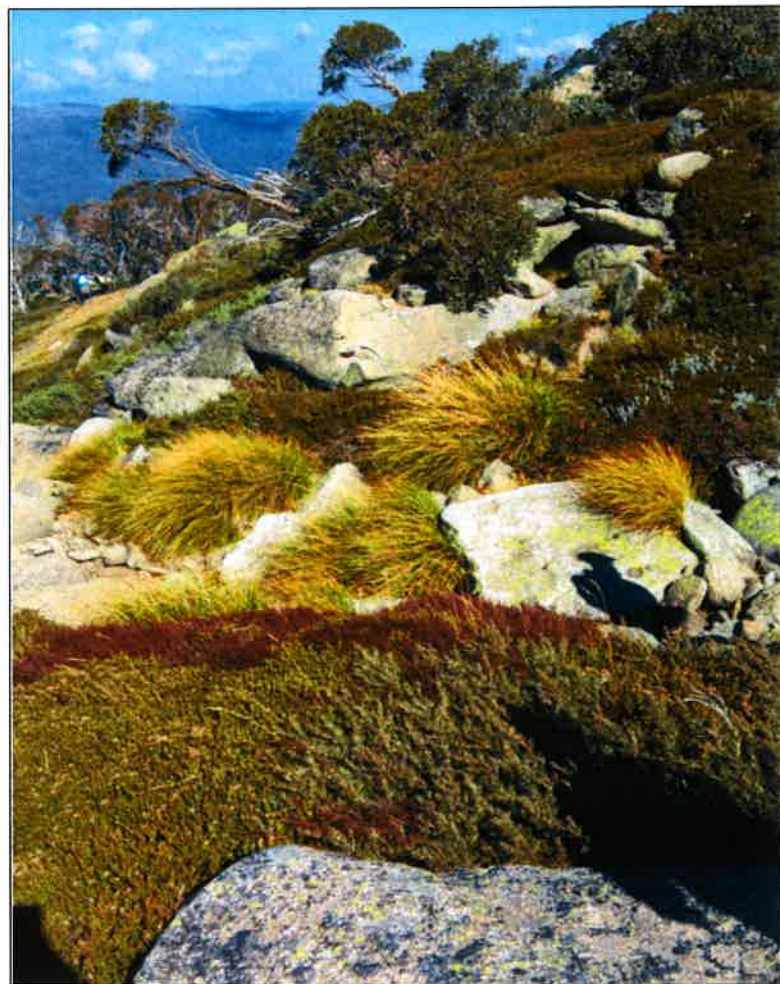




MODIFICATION ASSESSMENT REPORT MOD 7675

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

Modification (2) of DA 6571



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

June 2016

Cover photo: Location of proposed second bridge across Merritts Creek (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 alignment of the approved mountain bike trail (Trail 12) by moving the start of the trail to further along Trail 13 and providing a new alignment back towards the summer access road and start of the Downhill and Flow Trails near the Snowgums Double Chairlift top station.

The proposed modifications are described in detail in **Section 2** of this report.

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 12 – Downlink Link (**Figure 1**), which provides a trail from the junction with Trail 13, through vegetation and across ski slopes before connecting onto the existing trails (Downhill and Flow Trails).

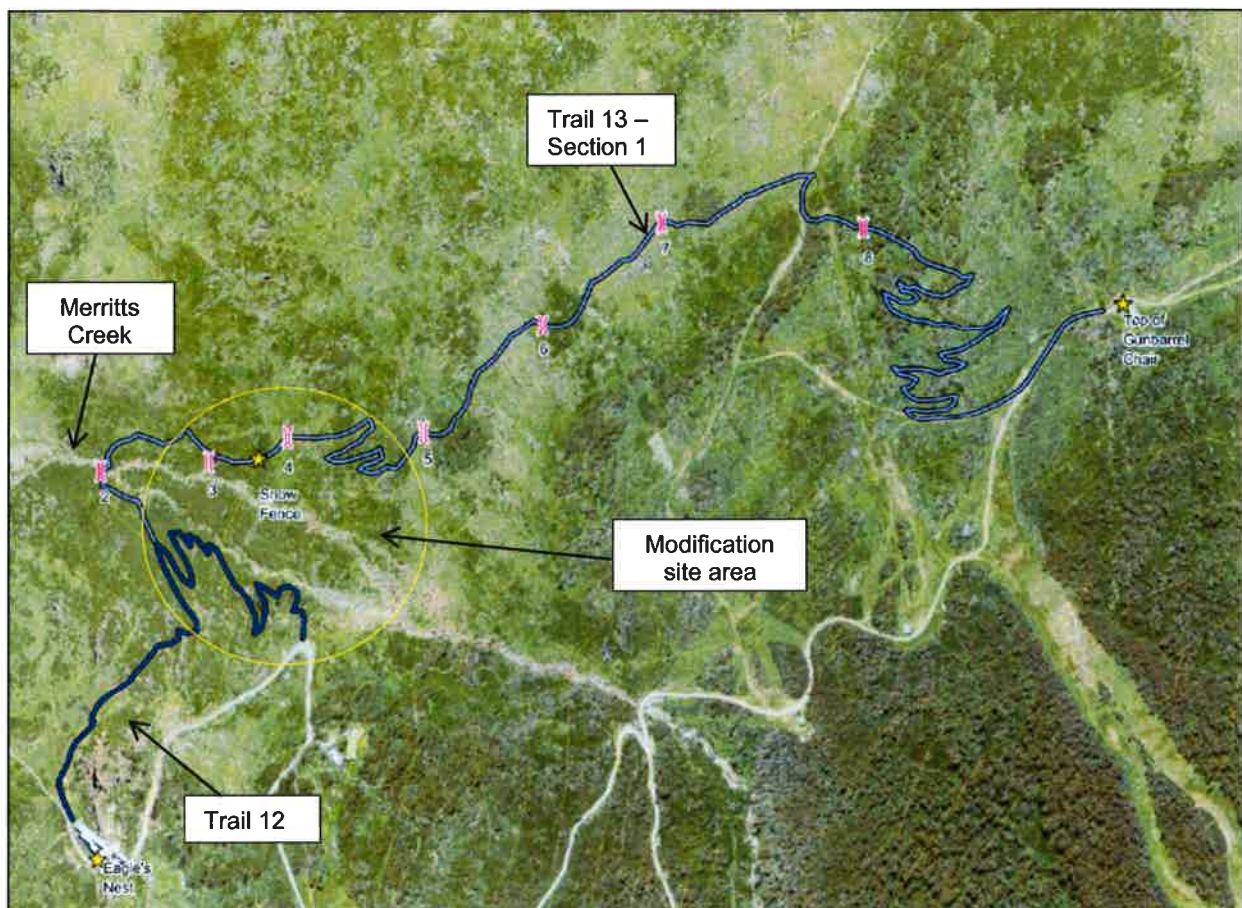


Figure 1: Alignment of approved Trail 12 and Section 1 of Trail 13, with the modification area circled (Source: Applicant's original SEE)

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.

On 3 March 2016, the Team Leader of Alpine Resorts Team, as delegate for the Minister for Planning approved a modification (MOD 1) to the alignment of Trail 13 - Section between Antons Access Road and Gunbarrel Chairlift. This modification reduced the overall length of the trail in this area, thereby reducing its environmental impact.

2 THE PROPOSED MODIFICATION

The proposal seeks approval to modify the approved mountain bike trail (Trail 12) as a result of further refinement to the trail alignment. The Applicant states that the proposed alignment:

- reduces the slope of the trail and overall average grade;
- commences further along Trail 13 and therefore traverses more across contour at a longer length, requiring the installation of two bridges across Merritts Creek (**Figure 2**). The bridges will be the same as approved for Trail 13 bridges, constructed using the same method; and
- although longer than the approved trail, the approved trail was designed to also use the side of the Summer Road down to the start of the Downhill and Flow trails, so its actual length would have been more likely 510 metres rather than 370 metres as shown below. Therefore the difference in the two trails would be more likely around 50 metres.

In addition to the above, the Applicant's Ecologist states the proposed alignment is preferable to the approved alignment, primarily as it has a lower average grade, and thus there is less potential for erosion and sedimentation issues. Given the lower grade it is also likely to result in a lower average width of disturbance. As such, the batters and cuttings will be smaller, with less over all disturbance to vegetation and fauna habitats.

The alignment of proposed Trail 12 is shown at (**Figure 3**).

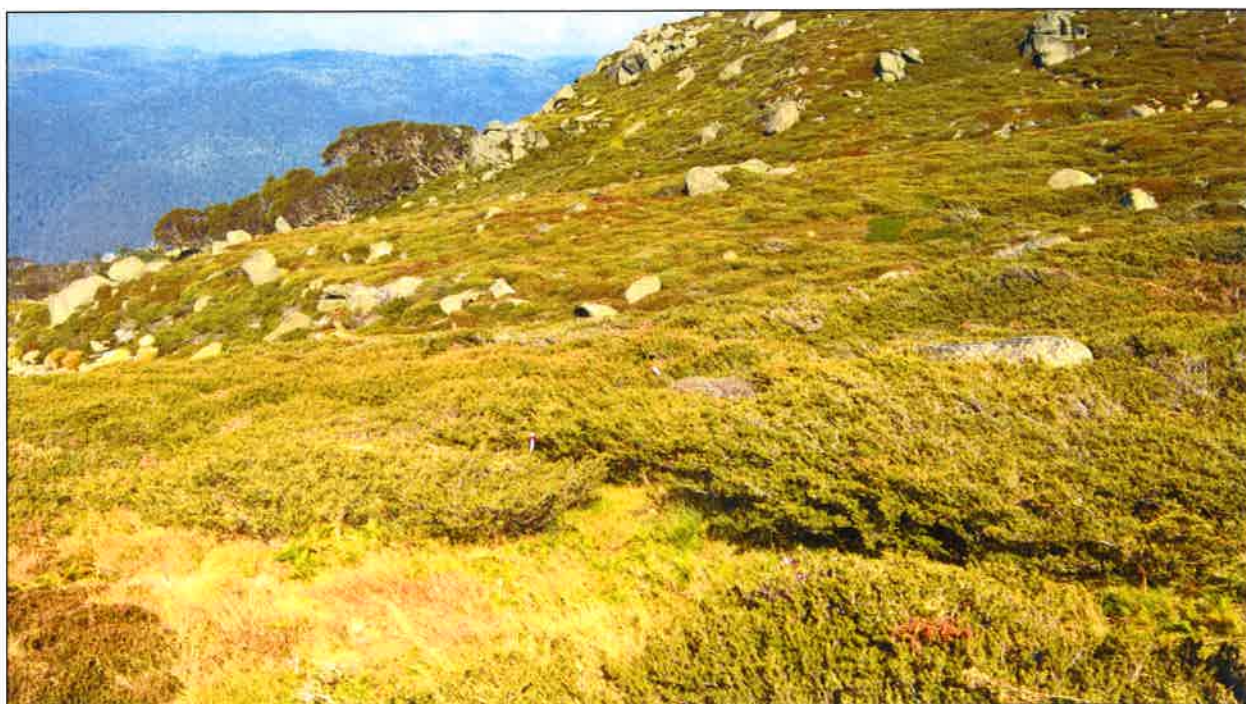


Figure 2: Start of new alignment of Trail 12, noting the approved Trail 12 alignment was located on the opposite slope (Source: Department site inspection photograph)



Figure 3: Proposed alignment of mountain bike trail (green line) compared with approved alignment (yellow line) (Source: Applicant's MOD documentation)

3 STATUTORY FRAMEWORK

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 Section 5 of this report).
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)	<p>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.</p> <p>The Department's consideration of this is contained in Section 5 of this report.</p>
Whether notification has occurred and any submissions have been considered	<p>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.</p> <p>No submissions were received.</p>
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 Section 5 .

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) and to the NSW Office of Water (NOW) for comment.

The OEH advised that the modified alignment is preferable when compared to the approved Trail 12, however requested further exploration of opportunities to reduce the number of switchbacks and the overall length of the trail. In addition, OEH requested a buffer be provided between the trail and the edge of the boulder field habitat that contains Podocarpus heath (potential habitat for the Mountain Pygmy Possums).

No concerns were raised from the NOW.

5 CONSIDERATION

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 12 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 reducing the extend of cut and therefore rehabilitation required for the trail, despite Trail 12 being increased by approximately 50 metres.

Comments received from the OEH, support the proposed realignment however requested a review of the number of switchbacks and recommending that a 5 metre buffer be provided between the trail and the boulder field, which has potential to be used by the Mountain Pygmy Possum.

The Applicant has previously provided justification for the number of switchbacks, however has agreed to minimise the number of switchbacks for the final alignment and will also review the location of the trail to provide a suitable distance up slope to the boulder field. It is noted that in accordance with the approved conditions, the final alignment of the trail is to be endorsed by the

Secretary or nominee that will allow further discussion on site with the trail builders, OEH and Department officers prior to construction. This is likely to be in November / December 2016.

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

- reduces the extent of cut and vegetation loss compared to that of the original alignment;
- provides an improved rider experience through a reduction in steeper sections; and
- has considered the environmental in terms of proximity to sensitive vegetation community and bridging of watercourses.

The Department is satisfied that the proposal is appropriate and the Applicant has reduced its impact upon the sensitive environment. The Department maintains its support for 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 12 rather than originally approved.

6 CONCLUSION AND RECOMMENDATION

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 7675) under Section 96(1A) of the *Environmental Planning and Assessment Act 1979*; and
- c) **sign** the attached Notice of Determination.

Prepared by:

Approved by:



Mark Brown
Senior Planner
Alpine Resorts Team

Daniel James
Team Leader
Alpine Resorts Team

APPENDIX A. RELEVANT SUPPORTING INFORMATION / SUBMISSIONS

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=7675

APPENDIX B. RECOMMENDED MODIFICATION CONSENT
