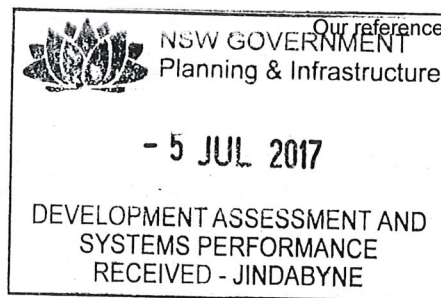




Mr Mark Brown
Senior Planner
Alpine Resorts Team
Department of Planning and Environment
PO Box 36
Jindabyne NSW 2627



DOC17/358166
EF17/4112

Dear Mark,

S96 Modification - MOD 8364 (DA 6114 Mod 3) - Variation of trail alignment of section 3, Trail 13, Stage 1A Mountain Bike Trails, Thredbo

I refer to the above application to modify development consent for DA 6968 forwarded to the Office of Environment and Heritage (OEH) for provision of comments in accordance with *State Environmental Planning Policy (Kosciuszko National Park - Alpine Resorts) 2007*.

In addition to our original referral comments on 26 May 2017, and in response to the letter from Dabyne Planning of 9 June 2017, to the Department of Planning and Environment (DPE), OEH provide the following comments.

Modification as a Section 96 (1A)

- OEH agrees that the test for determining 'minimal environmental impact' should be both qualitative and quantitative, which it has in this case. Removal of 680m² (quantitative) of undisturbed (qualitative) subalpine woodland is not considered by OEH to be minimal environmental impact.
- The use of the wording 'minor and acceptable' impacts by the Flora and Fauna assessor does mean the works are minimal environmental impact. Two other examples where the Flora and Fauna assessor has used the words minor and acceptable are the Sponars Traverse DA at Thredbo and the Smiggin Snowmaking, Stage 2 at Perisher Ski Resort – two large DA's that are not minimal environmental impact.
- OEH does not consider their calculations to be a mistake and have provided DPE with workings for the calculations. OEH does not understand how the proponent achieved the figure of 6.7 % change in disturbance.
- OEH does not support the subtraction of the area of trail to be closed from the total disturbance. There are closed sections of the Flow trail that OEH have been requesting to be rehabilitated for over 3 years with no action. Total disturbance used for calculations is 680m².

Fauna and Flora

- Trees are not only located within the Riparian Scrub - they are also in the Subalpine Woodland. The Canopy of the Subalpine Woodland "is dominated by regrowth Snow Gum..." (Ryan Smithers report for this MOD). Whilst tree removal is being avoided, where possible, if the trail goes over tree roots then these tree roots require protection as well so the trees don't die in the future. In addition, there are some current and ongoing issues on Flow and Downhill trail, as documented in the NPWS May 2017 Condition Report, where tree roots are exposed. All tree roots require protecting not just the trees within the Riparian Zone.

Rehabilitation and Offsets:

- OEH does not support the proposed offset. There is no evidence to support this as an appropriate offset.
- Due to the size of the works proposed a revised rehab and offsets plan for endorsement by OEH is recommended.

Soil Removal and Management:

- OEH comments were from current practices within Kosciuszko Thredbo (KT). This issue will be dealt with through another forum in conjunction with KT.
- OEH will continue to use any recommendations on conditions that they consider are appropriate for the works proposed. OEH are not recommending a complete transfer of conditions from 1B to other trails but if there are conditions that will minimise impacts then OEH will continue to recommend their use in DA assessments. Of the 82 conditions for the 1B DA, OEH only recommended 3 to be transferred to this MOD.

Machinery, Equipment and Materials:

- OEH comments were due to the fact that Stage 1A and 1B construction did impact on neighbouring vegetation through storage and/or disposal of cut vegetation on it.

Construction Period:

- Moving of snow from the proposed trail with machinery will cause additional damage to the native vegetation. Often the exact trail line is not known until construction - hence the 20m wide corridor - if snow is removed prior to the exact alignment being known then there could be additional native vegetation disturbance through realignment. If snow is removed from the entire 20m corridor then this will dramatically increase the impact.

Materials and stabilising agents:

- No additional comments.

Ongoing consideration in MTB trail management:

- OEH comments were just for the proponent to note and for them to consider in their long term resort management. No additional comments will be provided.

Leasing

Whilst OEH had previously stated that the proposal is permissible under the head lease, this permissibility now requires Lessor's consent as per advice provided to Kosciuszko Thredbo Pty Ltd on 28 June, 2017. As such, Kosciuszko Thredbo Pty Ltd are now required to seek separate lessor's consent under Clause 4.9 of the head lease for this development. OEH will consider the proposal, and if approved OEH will provide written consent.

For leasing enquiries please contact the Team Leader Properties Team, Karen Field on 6450 5540.

If you have any other enquiries, please contact the Assessments Coordinator, Rebecca Owen on 6450 5543.

Yours sincerely



Tania Ashworth
Team Leader
Resorts Environmental Services Team
05 July 2017