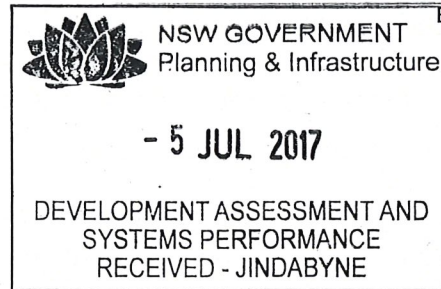




Mr Mark Brown  
Senior Planning Officer  
Alpine Resorts Team  
Department of Planning and Environment  
Jindabyne NSW 2627

Our reference: DOC17/358188  
EF17/4814



Dear Mark,

**DA Referral – Upgrade and realignment of sections of the Kosciuszko Flow Trail, Thredbo. DA 8405.**

I refer to the above development application (DA) 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* (SEPP). OEH have reviewed the information supplied and provide the following comments.

Note: This DA covers eight sections of the existing Flow Trail, which is currently the subject of a Remediation Notice. If this DA is approved it does not constitute an approval of the entire trail. The recommendations below demonstrate the difficulty in assessing and applying Conditions to parts of a trail and not its entirety. Hence, the OEH preference and ongoing request for the Proponent to submit a DA for the 'use' of the existing Flow and Downhill trails combined.

**Fauna and Flora**

As a requirement of the Remediation Notice, the recent combined Environment Condition Assessment Report of the Flow Trail identified over 200 points of concern including erosion, weeds, exposed banks and batters and a lack of revegetation in some areas.

The comments below are recommended to assist in making this trail more sustainable.

Native vegetation removal

To protect the existing trees and surrounding native vegetation the following conditions are recommended:

- Track alignment should avoid tree removal where possible;
- Tree roots must be protected within the timbered areas either through armouring or other construction methods;
- All vegetation removed must either be cut into smaller pieces to be used for rehabilitation, placed into adjoining native vegetation without damage or it must be removed from site completely;
- Trees and vegetation should not be felled/removed in a manner which damages other surrounding vegetation; and
- All trees must be checked for fauna habitats and fauna by the Kosciuszko Thredbo Environmental Officer immediately prior to felling.

### Rehabilitation and Offsets

A rehabilitation and environmental offsets plan, requiring OEH endorsement, should be developed that includes site specific details. This plan should be developed in accordance with other Thredbo MTB trail rehabilitation and offsets plans for consistency. The plan should include a section on weed monitoring and control for the entire Flow Trail length, for rehabilitation areas and for offset areas.

As presented, OEH does not consider the proposed offset to be appropriate for native vegetation removal. Evidence has not been provided that shows that a change in management regime, and that slashing heath to a height of 500mm, has improved native vegetation conditions and increased fauna habitats in these areas. Also without the baseline data for the offset area, including the number, type, percentage of cover, weeds etc., OEH is unable to determine if the area is in fact suitable as an offset.

OEH does not accept the net disturbance calculations presented for the offset calculations. Rehabilitation can take a long time to complete and return the area to pre-trail conditions. As the original trail alignment was not offset then the rehabilitation of this redundant trail should not be deducted from the total disturbed area to achieve a 'net' disturbance. The rehabilitation and offsets plan should include an appropriate offset for the total area of native vegetation removal.

The following conditions are recommended to increase the chance of successful redundant track rehabilitation:

- Initial establishment of the redundant track rehabilitation, including all planting, mulching and stabilisation must be completed within 6 months of the track realignment;
- Exotic grass species such as Chewings Fescue are not suitable for the rehabilitation of areas containing native species;
- Monitoring, maintenance and replacement planting must occur every 12 months with results recorded including photos points;
- Rehabilitation must be in accordance with the '*Rehabilitation Guidelines for the Resort Areas of Kosciuszko National Park*'; and
- An erosion resistant state, with a minimum of 95% measurable ground coverage, is required within 5 years of commencement of rehabilitation.

### Soil removal and management

OEH recommends the addition of the following condition for appropriate soil removal management:

#### **Soil removal and disposal.**

(a) All soil removed to make the trail should be reused directly in the further construction of the trail.

(b) No soil shall be stockpiled on or beneath native vegetation.

(c) If soil needs to be stockpiled for later use then it shall be categorised (for appropriate future use e.g. topsoil for rehabilitation) and stored at a location in the Thredbo Alpine Resort for re-use on the trails.

(d) If soil is required to be brought in from other Thredbo stockpile sites then this soil should be from the similar altitude and ecosystem.



### Machinery, equipment and materials

To minimise weed vectors and other quarantine issues, all machinery used during construction must be cleaned prior to site mobilisation to ensure the machinery is free of mud and vegetative propagules.

All materials and equipment must be stored within the trail disturbance area or on existing disturbed areas (ski slopes) and must not be stored outside of the trail width on native vegetation.

### Construction Period

The construction period should be limited to the 'summer' period and must not commence when snow is located on the trail alignment. Machinery should not be used to remove snow from areas containing native vegetation.

### Materials and stabilising agents.

Imported gravel must be free from weeds and pathogens and the use of soil stabilising agents is not permitted without OEH endorsement.

### Flexible construction corridor

As the works are for sections of a trail and not for the entire trail, a flexible construction of corridor of 20 metres should not be required.

### Ancillary Works Guidelines

As the works are for discrete sections of an existing trail and not for an entire trail, Ancillary Works Guidelines are not considered suitable for this DA.

### SEMP

OEH make the following recommendations for the SEMP:

- All staff working onsite should undertake the KT site induction.
- All works must be undertaken from within the proposed trail footprint or from existing disturbed areas (ski runs).
- The '*appropriate safeguards to limit the potential for invasive plants or pathogens, chemicals or any other pollutants to enter the environment*', (page 12 of the Site Environmental Management Plan) should be listed so it is clear to all workers what are the appropriate safeguards.
- OEH does not agree that sediment controls are not required along the length of the trail construction as per page 11 of the SEMP. Sediment and erosion controls should be as per the recommendation in the Fauna and Flora Assessment, '*Appropriate sediment control measures should be implemented prior to any construction work for the proposal and retained in place until exposed areas of soil or vegetation are stabilised and/or revegetated*'.

### **Aboriginal Cultural Heritage**

The Aboriginal Cultural Heritage Assessment – Section 4.3 of the SEE – relies on reports that are over 12 years of age. These reports confirm that the landscape features of the area for the proposed works makes it unlikely that Aboriginal objects will be found. However due diligence in determining if the proposed works will not harm Aboriginal objects has not been completed by checking if any Aboriginal objects or sites have been recorded since the reports were completed.

In order to facilitate a timely assessment of the proposal, as a service to the Proponent, OEH have conducted the search of the AHIMS database and can confirm that no Aboriginal sites have been recorded within the proposed works area.

However should any Aboriginal objects be uncovered during construction, any works impacting the objects must cease immediately and the NPWS contacted for assessment of the site.


**Leasing**

Kosciuszko Thredbo Pty Ltd are 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 Properties Team Leader, Karen Field on 02 6450 5540.

If you have any other enquiries, please contact the Assessment Coordinator, Bec Owen on 02 6450 5543.

Yours sincerely



**Tania Ashworth**  
**Team Leader**  
**Resorts Environmental Services Team**  
05 July 2017