

# Modification of Development Consent

Section 96(2) of the *Environmental Planning & Assessment Act 1979*

As delegate of the Minister for Planning, I hereby modify the development consent referred to in Schedule 1, in the matter outlined in Schedule 2.

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Team Leader  
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Department of Planning and Environment

Jindabyne

2017

## SCHEDULE 1

**Application No.:** MOD 8364 (DA 6114 MOD 3)

**Applicant:** Kosciuszko Thredbo Pty Ltd

**Consent Authority:** Minister for Planning

**Land:** Thredbo Alpine Resort, Kosciuszko National Park

**Development:** Construction of Mountain Bike Trails – Stage 1A

**Modification No.:** MOD 8364 (DA 6114 MOD 3): Modification to the approved mountain bike trail including:

- realignment adjacent to High Noon and Dream Run ski runs; and
- realignment adjacent to Sundown Ski Runs.

## SCHEDULE 2

Development Application No. DA 6114 is modified as follows:

- a) *In Part A, Condition A.2 is amended by the insertion of the **bold and underlined** words / numbers as follows:*

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

The development shall be in accordance with Development Application No. DA 6114 submitted by Kosciuszko Thredbo Pty Ltd on 30 August 2013 and in accordance with the supporting documentation submitted with that application:

- as amended by the Section 96(1A) application submitted by Kosciuszko Thredbo Pty Ltd on 4 March 2015;
- as amended by the Section 96(1A) application submitted by Kosciuszko Thredbo Pty Ltd on 4 December 2015;
- **as amended by the Section 96(2) application submitted by Kosciuszko Thredbo Pty Ltd on 16 August 2017 (as supported by information received on 27 March 2017, 9 June 2017 and 25 July 2017);**

including, but not limited to, the following:

Ref. No.	Document	Title / Description	Author / Prepared by	Date	Document Reference
1	Statement of Environmental Effects (SEE)	'Stage 1A Thredbo Mountain Bike Trails, Trails 1, 2, 3 & Sections 2 & 3 of Trail 13 Thredbo Alpine Resort'	Dabyne Planning Pty Ltd	August 2012	Project: 18-13
2	Detailed site environmental management plan (SEMP)	'Site environmental management plan for stage 1A of downhill mountain bike trails Thredbo'	Kosciuszko Thredbo Pty Ltd	-	Appendix B of SEE
3	Flora and fauna assessment	'Flora and fauna assessment, proposed stage 1A downhill mountain bike trails, Thredbo Alpine Resort'	Ecological Australia	28 August 2013	13NARECO-0007
4	Geotechnical assessment	'Report to Kosciuszko Thredbo Pty Ltd on geotechnical assessment for Stage 1A Thredbo Mountain Bike Trails at Thredbo ski resort, Thredbo, NSW'	Asset Geotechnical Engineering Pty Ltd	23 May 2013	2146-A
5	Form 4	'Geotechnical Policy – Kosciuszko Alpine Resorts Form 4 – Minimal Impact Certification'	Signed by Mark Bartel	23 May 2013	-
6	Cultural Heritage due diligence assessment	Cultural Heritage Due Diligence Assessment for Thredbo Bike Trails Stage 1 Kosciuszko National Park	Matthew Barber Ironbark Heritage and Environment	15 July 2013	-
7	Plan	'Thredbo Alpine Village Stage 1A'	World Trail Pty Ltd	12 July 2013	Attachment 1 of SEE

8	General terms of approval	'General terms of approval for work requiring a controlled activity approval under the Water Management Act 2000'	Department of Primary Industries – Office of Water	20 November 2013	Ref: 10 ERM2013 / 0971
9	Plan	Section 96(1A) Application dated 4 March 2015	-	-	-
<b>10</b>	<b><u>Report</u></b>	<b><u>Section 96 Modification Planning Report</u></b>	<b><u>Dabyne Planning Pty Ltd</u></b>	<b><u>27 March 2017</u></b>	<b><u>:</u></b>
<b>11</b>	<b><u>Report Attachment</u></b>	<b><u>S.96 Modification to Stage 1A All Mountain Trail DA – Thredbo Ski Resort</u></b>	<b><u>Eco Logical Australia Pty Ltd</u></b>	<b><u>13 March 2017</u></b>	<b><u>17HNG 663 4</u></b>
<b>12</b>	<b><u>Plan</u></b>	<b><u>:</u></b>	<b><u>Dirt Art</u></b>	<b><u>:</u></b>	<b><u>:</u></b>
<b>13</b>	<b><u>Plan</u></b>	<b><u>Thredbo All Mountain Trail and Merritts Nature Trail Realignment</u></b>	<b><u>:</u></b>	<b><u>:</u></b>	<b><u>:</u></b>
<b>14</b>	<b><u>Letter</u></b>	<b><u>Stage 1A, High Noon and Dream Runs Ski Run Deviations, Thredbo Alpine Resort</u></b>	<b><u>Dabyne Planning Pty Ltd</u></b>	<b><u>9 June 2017</u></b>	<b><u>:</u></b>
<b>15</b>	<b><u>Letter</u></b>	<b><u>S.96(1A) Modification to DA 6114 Stage 1A All Mountain Bike Trail, Thredbo Alpine Resort</u></b>	<b><u>Kosciuszko Thredbo Pty Ltd</u></b>	<b><u>25 July 2017</u></b>	<b><u>:</u></b>
<b>16</b>	<b><u>Letter</u></b>	<b><u>S.96(2) Modification to DA 6114 Stage 1A All Mountain Bike Trail, Thredbo Alpine Resort</u></b>	<b><u>Kosciuszko Thredbo Pty Ltd</u></b>	<b><u>15 August 2017</u></b>	<b><u>:</u></b>

b) In Part A, Condition A.12 is added as follows:

#### **A.12 Trail corridor**

- (a) At all times during construction, the disturbance corridor must be limited to the minimum width required to construct the trails and in any event, the width of the disturbance corridor must not exceed 2.5 metres at any location, with an average disturbance width not exceeding 1.7 metres.
- (b) Appropriate plant and equipment set down areas must be nominated by the environmental officer, in consultation with the Department, to enable short term placement of machinery and material adjacent to the disturbance corridor. Any such set down areas must avoid EECs.
- (c) During construction, all works and machinery must be contained within the disturbance corridor and nominated set down areas.
- (d) If vegetation is damaged as a result of the works occurring outside of the disturbance corridor or set down areas during construction, all works are to cease and the matter is to be rectified. No works shall recommence until written authorisation is obtained from the Secretary or nominee.
- (e) No works or disturbance under MOD 8364 is to occur within the Subalpine Riparian Scrub or to Merritts Nature Track.

c) *In Part D, Condition D.10 is added as follows:*

#### **D.10 Machinery**

Machinery used during the works must be cleaned prior to site mobilisation, be regularly maintained and manoeuvred to prevent the spread of exotic vegetation.

d) *In Part E, Condition E.22 is added as follows:*

#### **E.22 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 along the trail except at approved stockpiling sites in accordance with the 'Soil Stockpile Guidelines for the Resort Areas of Kosciuszko National Park, October 2017'.
- (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.

e) *In Part E, Condition E.23 is added as follows:*

#### **E.23 Tree roots**

Tree roots exposed during construction and ongoing use / maintenance of the trail are to be protected from damage, by rock armouring or another suitable method.

f) *In Part E, Condition E.24 is added as follows:*

#### **E.24 Stabilising agents**

The use of soil stabilising agents is not permitted without prior consent of the Secretary or nominee in consultation with the OEH.

g) *In Part G, Condition G.3 is added as follows:*

#### **G.3 Detailed environmental offsets plan for works under MOD 8364**

Offsets because of the modified alignment under MOD 8364 are to be provided.

The proposed offset area and management practices are not supported and an alternative offset arrangement is to be investigated.

Following this investigation, a detailed offsets plan including implementation, maintenance, monitoring and reporting shall be developed in accordance with the following:

- (a) The plan shall be prepared by an appropriately qualified person, in consultation with the OEH and shall be:
  - (i) endorsed in writing by the OEH (unless agreed otherwise in writing by the Secretary or nominee); and
  - (ii) submitted to and approved by the Secretary or nominee.
- (b) The plan is to be endorsed within 12 months of the determination of MOD 8364 and the offsets initiated within 24 months.

The content of the plan is to have regard to the plan requirements under Condition D.5.

- h) In Part I, Condition I.1 is amended by the insertion of the **bold and underlined** words / numbers as follows:

### **I.1 Work requiring a controlled activity approval under the Water Management Act 2000**

Prior to the commencement of a controlled activity on waterfront land, it will be necessary to obtain a controlled activity approval from the Office of Water under the *Water Management Act 2000*.

These conditions form the general terms of approval for the development issued by the Office of Water on 22 November 2013.

1. These General Terms of Approval (GTA) only apply to the controlled activities described in the plans and associated documentation relating to Department of Planning & Infrastructure Ref: 13/14748 for DA No:6114 **as modified by MOD 8364** and provided by the Department of Planning and Infrastructure:

- Statement of Environmental Effects (SEE) for stage 1A, Thredbo Mountain Bike Trails, Trails 1, 2, 3 & Sections 2 & 3 of Trail 13, Thredbo Alpine Resort, Kosciuszko National Park, prepared by Dabyne planning and dated August 2013.

Any amendments or modifications to the proposed controlled activities may render these GTA invalid. If the proposed controlled activities are amended or modified the NSW Office of Water must be notified to determine if any variations to these GTA will be required.

2. Prior to the commencement of any controlled activity (works) on waterfront land, the consent holder must obtain a Controlled Activity Approval (CAA) under the *Water Management Act* from the NSW Office of Water.

Waterfront land for the purposes of this DA is land and material in or within 40 metres of the top of the bank or shore of the river identified.

3. The consent holder must prepare or commission the preparation of:
  - (i) complete crossing/bridge design/upgrade details for each watercourse crossing and adjoining works on waterfront land.
  - (ii) a works schedule for each watercourse crossing and associated works on adjoining waterfront land.
  - (iii) a Soil and Water Management Plan for each watercourse crossing and associated works on adjoining waterfront land.
4. All plans must be prepared by a suitably qualified person and submitted to the NSW Office of Water for approval prior to any controlled activity commencing. The plans must be prepared in accordance with the NSW Office of Water's guidelines located at [www.water.nsw.gov.au/Water-Licensing/Approvals/default.aspx](http://www.water.nsw.gov.au/Water-Licensing/Approvals/default.aspx)
  - (i) Guidelines for watercourse crossings
5. The consent holder must
  - (i) carry out any controlled activity in accordance with approved plans and
  - (ii) construct and/or implement any controlled activity by or under the direct supervision of a suitably qualified professional and
  - (iii) when required, provide a certificate of completion to the NSW Office of Water.
6. The consent holder must carry out a maintenance period of two (2) years after practical completion of all controlled activities, rehabilitation and vegetation management in accordance with a plan approved by the NSW Office of Water.
7. The consent holder must reinstate waterfront land affected by the carrying out of any controlled activity in accordance with a plan or design approved by the NSW Office of Water.

8. The consent holder must use a suitably qualified person to monitor the progress, completion, performance of works, rehabilitation and maintenance and report to the NSW Office of Water as required.
9. The consent holder must provide a security deposit (bank guarantee or cash bond) – equal to the sum of the cost of complying with the obligations under any approval – to the NSW Office of Water as and when required.
10. The consent holder must ensure that the construction of any bridge, causeway, culvert or crossing does not result in erosion, obstruction of flow, destabilisation or damage to the bed or banks of the river or waterfront land, other than in accordance with a plan approved by the NSW Office of Water.
11. The consent holder must ensure that any bridge, causeway, culvert or crossing does not result in erosion, obstruction of flow destabilisation or damage to the bed or banks of the waterfront land, other than in accordance with a plan approved by the NSW Office of Water.
12. The consent holder must ensure that no materials or cleared vegetation that may
  - (i) obstruct flow,
  - (ii) wash into the water body, or
  - (iii) cause damage to river banks; are left on waterfront land other than in accordance with a plan approved by the NSW Office of Water.
13. The consent holder must establish all erosion and sediment control works and water structures in accordance with a plan approved by the NSW Office of Water. These works and structures must be inspected and maintained throughout the working period and must not be removed until the site has been fully stabilised.
14. The consent holder must ensure that no excavation is undertaken on waterfront land other than in accordance with a plan approved by the NSW Office of Water.

**End of Modifications to MOD 8364 (DA 6114 MOD 3)**