



Planning &
Environment

***DEVELOPMENT APPLICATION
ASSESSMENT REPORT:***

**Alterations to the Flow Mountain Bike Trail and
Construction of an Overpass Structure, Thredbo
Alpine Resort, Kosciuszko National Park**

DA 8405



Environmental Assessment Report
Section 79C of the *Environmental Planning and
Assessment Act 1979*

November 2017

ABBREVIATIONS

Alpine SEPP	State Environmental Planning Policy (Kosciuszko National Park – Alpine Resorts) 2007
Applicant	Kosciuszko Thredbo Pty Ltd
Consent	This development consent
Department	Department of Planning and Environment
EP&A Act	Environmental Planning and Assessment Act 1979
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
EPI	Environmental Planning Instrument
Minister	Minister for Planning
MTB	Mountain bike
DPI Water	Department of Primary Industries – Water
OEH	Office of Environment and Heritage
RtS	Response to Submissions
Secretary	Secretary of the Department of Planning and Environment
SEE	Statement of Environmental Effects
SEPP	State Environmental Planning Policy

Cover Image: Site of future corner to be realigned (Source: Applicant's documentation)

© Crown copyright 2017
Published November 2017
Department of Planning and Environment
www.planning.nsw.gov.au

Disclaimer:

While every reasonable effort has been made to ensure that this document is correct at the time of publication, the State of New South Wales, its agents and employees, disclaim any and all liability to any person in respect of anything or the consequences of anything done or omitted to be done in reliance upon the whole or any part of this document.

1. BACKGROUND

1.1 Introduction

This report provides an assessment of a Development Application (DA 8405) lodged by Kosciuszko Thredbo Pty Ltd on 21 April 2017 under Part 4 of the *Environmental Planning and Assessment Act, 1979* (EP&A Act). The application seeks consent to upgrade eight sections of the existing Flow mountain bike trail and construction of an overpass structure within Thredbo Alpine Resort, Kosciuszko National Park.

The proposal is described in detail in **Section 2** of this report.

1.2 The Site and Surrounding Development

The site is located across ski slopes and within vegetation of the Thredbo Alpine Resort between Kosciuszko Express Chairlift and the Valley Terminal (**Figure 1**). The location of the eight sections identified by the Applicant occur across the length of the existing trail.

Thredbo Alpine Resort is located within Kosciuszko National Park and provides a year round destination resort catering for both winter and summer activities, with mountain biking continuing to be one of the main attractions during the summer months.

The sections to be upgraded include a mixture of native vegetation, rock outcrops and ski slopes. Vegetation includes numerous threatened species off the ski slopes and within tree islands.

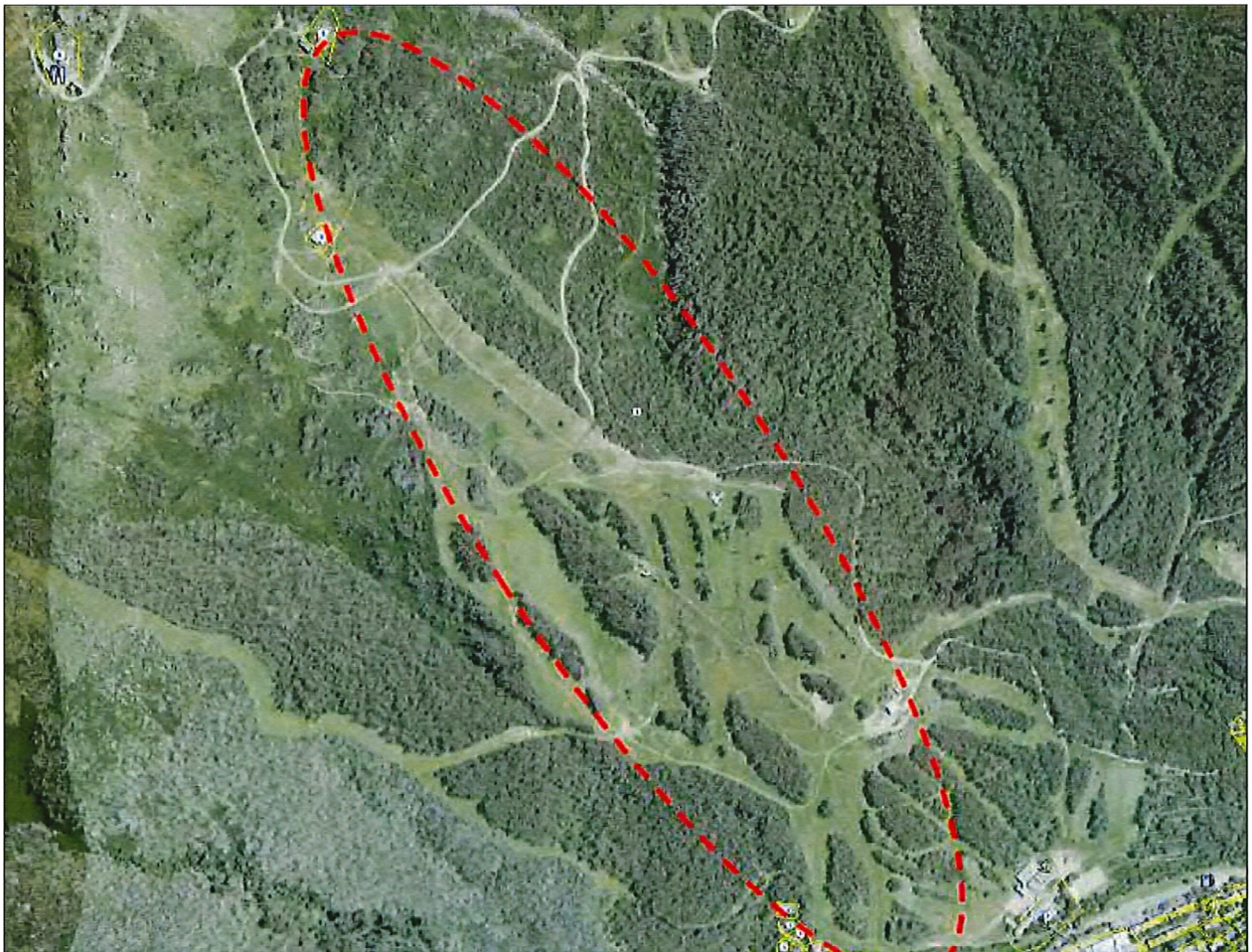


Figure 1: Location of proposal (circled) in comparison to Thredbo Alpine Resort (Source: Applicant's SEE)

1.3 Other approvals

On 15 November 2017, the Department determined an application for the use of the existing Cannonball Downhill and Flow mountain bike trails, which enables the construction of the eight sections as depicted within this application.

2. PROPOSED DEVELOPMENT

The development application seeks consent for the following:

- alterations to the existing Flow mountain bike trail; and
- construction of an overpass structure.

The proposal has an estimated cost of works of approximately \$40,000.

2.1 Trail alterations

The Applicant indicates that eight sections of the existing Flow mountain bike trail are proposed to be upgraded, these being:

- Section 1 – removal of three existing corners and trail realigned with the new section of trail being 90 metres in length requiring the removal of two Snow Gums and the pruning of three Snow Gums;
- Section 2 – removal of three existing corners (**Figure 2**) below Kareela Hut and the trail realigned into an existing tree island requiring the removal of two Snow Gums.
- Section 3 – replacement of a temporary cross over structure with the construction of a permanent overpass structure (20 metres in length) within the existing adjacent tree island.
- Sections 4 – 8 – relocation of existing corners into adjacent tree island or native vegetation rather than the corners being on existing ski runs.

The existing and new alignment of the Flow mountain bike trail is illustrated in **Figure 3**.



Figure 2: Example of an existing corner (berm) that is to be relocated off the ski run into existing tree islands or native vegetation (Source: Applicant's SEE)

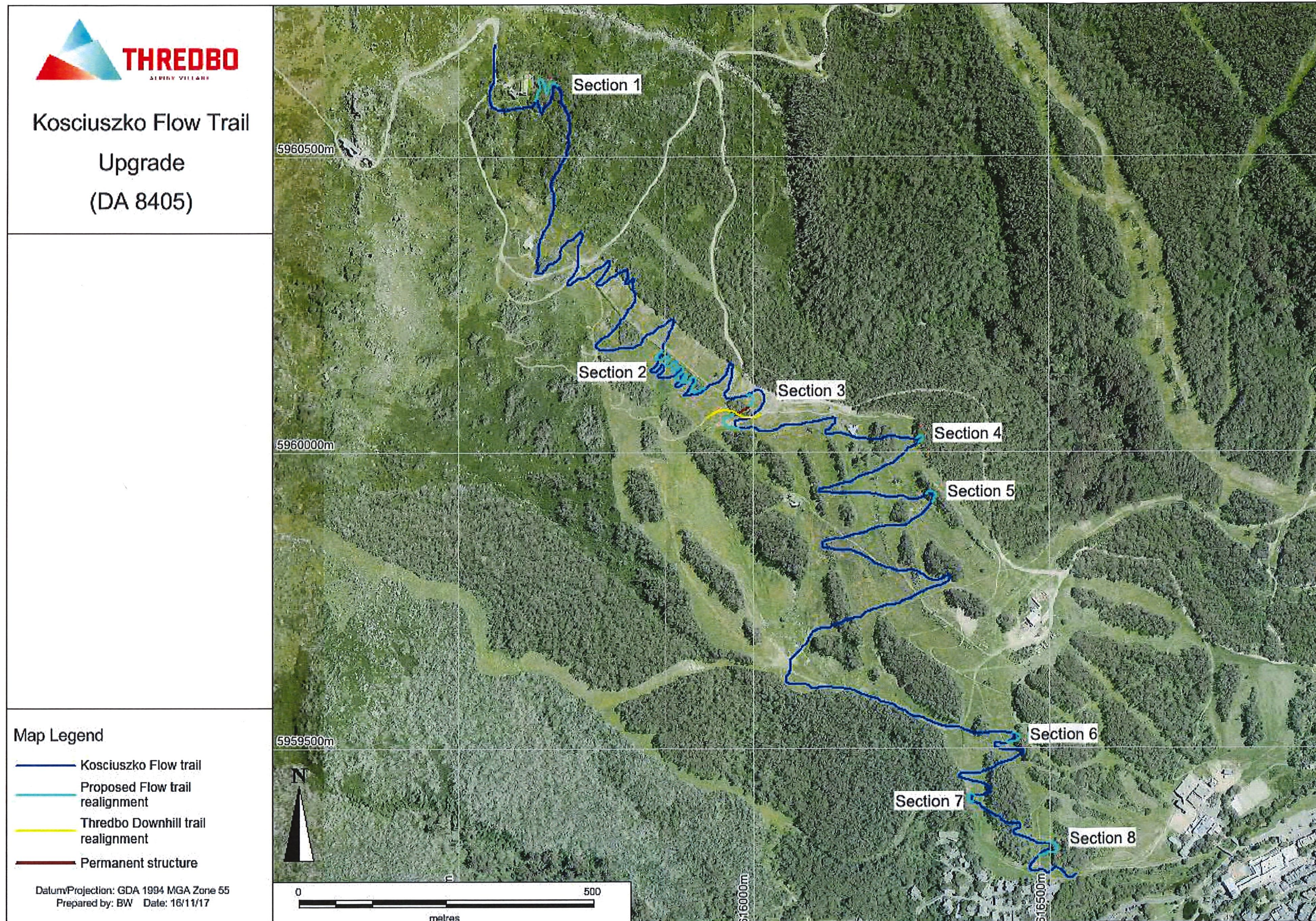


Figure 3: Alignment of existing and proposed Flow mountain bike trail illustrating the location of the upgrade works (Source: Applicant's SEE)

2.2 Trail construction

Consistent with the construction of the other mountain bike trails (i.e. Stage 1A and Stage 1B developments), the principles developed by the International Mountain Biking Association (IMBA) including the 'rolling contours concept', 'outslope', 'the half rule', 'the 10% average guideline' and the use of 'frequent grade reversals' are proposed to be adopted to the Flow trail alterations.

The Applicant proposes that proposed alterations would have a trail corridor width of between 1 metre and 2.5 metres wide, with an average of 1.7 metres (refer to **Figure 4**). This average considers the IMBA trail difficulty and width considerations.

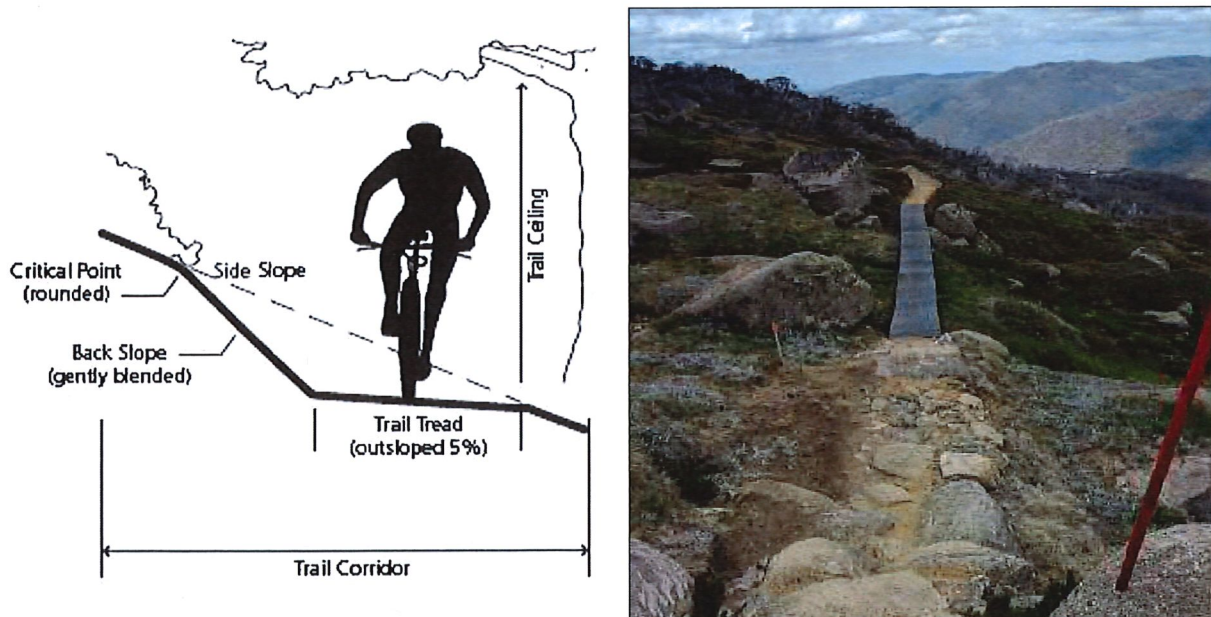


Figure 4: Trail corridor diagram and rock armouring utilised along the All Mountain Trail (Source: Applicant's SEE)

The Applicant has recommended a flexible construction corridor of 10 metres (5 metres either side of the ground-truthed alignment) to provide flexibility for the builders to respond to any unforeseen circumstances that may occur on site (i.e. to allow builders to manoeuvre the proposed trail either side of a rock that is found during construction).

Machinery to be utilised would be like previous trail construction on Stage 1A and 1B consisting of mini-excavators and motorised wheelbarrows that typically cut the trail to a minimum width of 1 metre, which would require the existing vegetation to regrow to the standard trail tread.

The trail surface is proposed to be predominantly natural soil, with local crushed granodiorite used where required. Surface water would be diverted to reduce the loss of the trail surface, while additional measures such as rock armouring would be implemented to harden the trail to reduce erosion impacts.

2.3 New overpass structure

A new permanent overpass structure is proposed to be constructed (**Figure 5**) within an existing tree island to replace the temporary scaffold structure erected each year prior to and then dismantled following the completion of the mountain bike season. The structure provides an overpass for the Flow trail over the Cannonball Downhill trail.

The Applicant states that the structure can be left in place during winter without interrupting or obstructing winter operations.

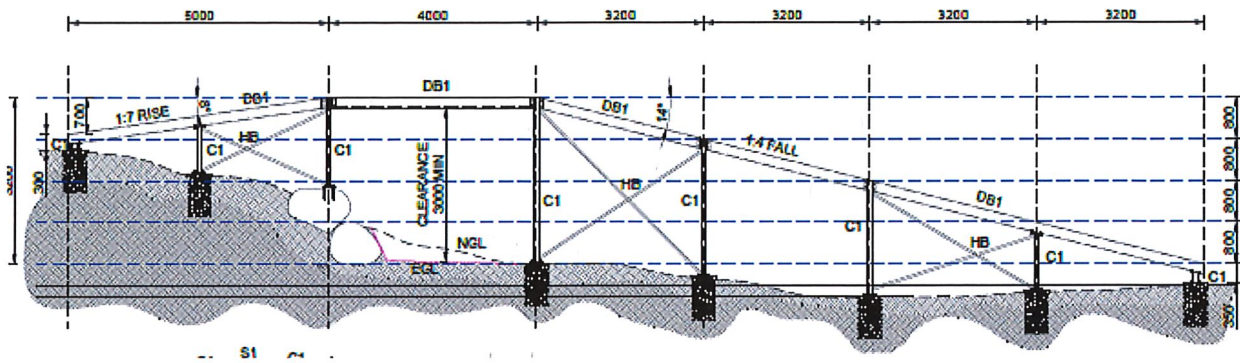


Figure 5: Proposed overpass structure (Source: Applicant's SEE)

2.4 Native vegetation and rock removal

The Applicant estimates that approximately 533m² of native vegetation is to be impacted and approximately 14 Snow Gums would be removed and four pruned to facilitate the trails.

To compensate for this loss of the native vegetation, the Applicant proposes to:

- offset the environmental impact by proposing to rehabilitate 828m² of heath along The Rapids Ski Run, below the Cat Shed, through cessation of the current routine maintenance activity of slashing the heath on a biannual basis and along the heath to grow to a height of approximately 500mm; and
- rehabilitate the sections of trail that will be made redundant.

2.5 Justification for the proposal

The Applicant states that upgrades to the Flow mountain bike trail are proposed to improve resort operations in both winter and summer and provide a better mountain bike experience. With the relocation of corners into the adjacent tree islands or vegetation on the side of the ski runs, the impact of identified corners (berms) on winter operations and the extent of maintenance required to dismantle and fill the berms in at the start and end of each season is limited. This improves safety for both snowmobiles, grooming machines and skiers and snowboarders.

In addition, the removal of the temporary scaffold structure for a permanent structure within the adjacent tree island, which can be left in place during winter without interrupting or obstructing winter operations.

3. STATUTORY CONTEXT

3.1. Consent Authority

Under clause 7 of State Environmental Planning Policy (Kosciuszko National Park – Alpine Resorts) 2007 (the Alpine SEPP), the Minister for Planning is the consent authority for the application as the development takes place within a ski resort area as referred to in Clause 32C (2)(a) of Schedule 6 to the EP&A Act.

3.2. Determination under Delegation

In accordance with the Minister's delegation of 11 October 2017, the Team Leader, Alpine Resorts Team may determine the application as:

- the application is in relation to land which the Alpine SEPP applies; and
- there are less than 25 public submissions in the nature of objections.

3.3. Permissibility

The proposal includes the construction of mountain bike trails and an overpass structure consistent with the definition of 'recreation infrastructure' as defined in the Alpine SEPP. Pursuant to clause 11 of the Alpine SEPP, 'recreation infrastructure' is permissible with consent within the Thredbo Alpine Resort.

3.4. Notification

After accepting the application, the Department:

- publicly exhibited the application from 25 May 2017 until 8 June 2017 on its website and at its Jindabyne Office (Shop 5A, 19 Snowy River Avenue, Jindabyne); and
- notified Thredbo Village and relevant State government authorities in writing.

One public submission was received supporting the proposal.

The proposal was referred to the Office of Environment and Heritage (OEH) pursuant to clause 17 of the Alpine SEPP. Comments received from the OEH (provided in **Appendix A**) related to fauna and flora, aboriginal cultural heritage and leasing.

The OEH raised concerns in relation to several matters, including that:

- a flexible construction corridor of 20 metres is not required given the works are for sections of a trail and not the entire trail;
- no ancillary works guideline is required; and
- proposed offsets are not supported and amended offsets should be considered.

Apart from the above concerns, the OEH recommended several comments / conditions that could be included in the consent to address some of the issues raised (i.e. native vegetation removal, soil removal and management, machinery and equipment, construction period, materials and stabilising agents and other construction requirements).

The Department has included discussion on relevant matters in the OEH comments in **Section 4** and recommended conditions in the instrument of consent at **Appendix D**.

3.5. Considerations under section 79C of the EP&A Act

Under section 79C of the EP&A Act, in determining a development application, a consent authority is required to take a number of matters into consideration in relation to the proposed development. The Department has given due consideration to the matters prescribed by section 79C.

The Department's consideration of the development against the provisions of section 79C of the EP&A Act is contained in **Section 4** and within **Appendix B** of this report.

3.6. Environmental Planning Instruments

Under section 79C of the EP&A Act, the consent authority, when determining a development application, must take into consideration the provisions of any environmental planning instrument (EPI) and draft EPI (that has been subject to public consultation and notified under the EP&A Act) and development control plan/s (DCP) that apply to the proposal.

The Alpine SEPP is the only EPI which applies to the site for this type of development. An assessment against the requirements of the Alpine SEPP is provided in **Appendix C**. The Department is satisfied that the application is consistent with the requirements of the Alpine SEPP.

3.7. Objects of the EP&A Act

In determining an application, the consent authority should consider whether the proposal is consistent with the relevant objects of the EP&A Act.

The proposal complies with the objects as it seeks approval for works aimed at promoting the orderly and economic use of the site as the Applicant seeks to increase summer activities to Thredbo, which is a tourist destination resort, while having an appropriate regard to the environmental significance of the site.

The proposal also promotes the orderly and economic use of the site and will not have an impact on the environment thus being ecologically sustainable development (**Section 3.8**).

3.8. Ecologically Sustainable Development (ESD)

The EP&A Act adopts the definition of ESD found in the Protection of the Environment Administration Act 1991. Section 6(2) of that Act states that ESD requires the effective integration of economic and environmental considerations in decision-making processes. The Department has considered the project in relation to the ESD principles. The precautionary and Inter-generational Equity principles have been applied in the decision-making process via an assessment of the impacts of the proposal.

3.9. Environmental Planning and Assessment Regulation 2000

Subject to any other references to compliance with the EP&A Regulation cited in this report, the requirements for Notification (Part 6, Division 7) and Fees (Part 15, Division 1) have been complied with.

3.10. Strategic context

The Department considers the proposal is consistent with the South East and Tableland Region Plan which was released by the Department of Planning in July 2017. The plan aims to, among other things, increase visitation to the NSW ski resorts.

The proposed development assists with this by providing improved mountain bike trails within Thredbo Alpine Resort to meet demands by members of the mountain bike community, which leads to additional visitation to the NSW ski resorts during the mountain bike season.

4. ASSESSMENT

The Department has considered the relevant matters for consideration under section 79C of the EP&A Act, the SEE and additional information and issues raised in submissions in its assessment of the proposal. The key issues in the Department's assessment of this proposals is in relation to the proposals:

- impacts on biodiversity; and
- construction impacts.

Each of these key issues is discussed in the following sections of the report.

4.1. Impacts on Biodiversity

The location of the site and the inherently sensitive nature of the flora and fauna within the alpine area, create potential natural environmental impacts that need to be carefully considered by the Department. The Department's assessment of the key natural environmental impacts of the proposal along with appropriate mitigation and management measures are considered below:

Endangered Species and Communities

The Applicant states that the site contains several native vegetation communities, but no threatened flora species or threatened ecological communities were recorded within the study area. While the proposal will have some impacts on fauna habitats, the impacts are considered acceptable given their relatively minor nature, and in the context of the extensive areas of similar habitat that will continue to be available in contiguous areas.

Overall, the Applicant's assessment of significance (**Appendix B**) submitted with the application concludes that the proposal is unlikely to have a significant effect on threatened species, endangered populations, threatened ecological communities, or their habitats.

The proposed trail design and identified construction techniques incorporate a range of measures to minimise and mitigate impacts on vegetation communities and fauna habitats.

The Department notes that most of the alterations to the existing trail relocate berms off existing ski slopes into adjoining native vegetation tree islands or realign the trail to reduce tight corners (top section). The proposal endeavours to avoid as much as possible areas of environmental sensitivity, which could be confirmed during final trail alignment inspections prior to construction commencing on the eight section of trail within the 10 metre trail corridor.

The Department considers that the proposed works and the construction techniques identified by the Applicant ensure that impacts to native vegetation, populations, ecological communities, and their habitats are acceptable.

Other native vegetation removal

The proposed alternate alignment of the mountain bike trail and construction of the overpass structure would involve direct impacts upon vegetation as specified in **Section 2** of the report. The Department considers the removal of the native vegetation as a result of the proposed location of the trail and overpass structure to be acceptable.

In addition, 14 Snow Gums may need to be removed and others pruned to facilitate the trails along with exotic vegetation predominantly on the disturbed ski slopes. Other vegetation would be trimmed as necessary for safety or operational needs, following an inspection and endorsement by the appointed environmental officer.

The Department supports the removal of approximately 14 Snow Gums and the process outlined for trimming to minimise the loss of vegetation where possible.

Environmental offsets

The Applicant proposes to offset the direct impacts as outlined in **Section 2** of the report. The OEH raised concern with the proposed offsets and change in management regime on the basis that the proposal does not achieve offset principles of enhancing biodiversity and replacing the biodiversity that is being lost. The OEH recommended that a 'Rehabilitation and Environmental Offsets Plan' be prepared and endorsed by the OEH.

The Applicant maintains that the proposed offsets are appropriate and is, in terms of area, more than double what the proposal intends to remove. The new management regime replaces the current regime of slashing the heath to the ground, thus allowing heath to grow to 500mm facilitating improved native vegetation (i.e. heath) coverage across ski runs through natural recruitment, thus providing improved fauna habitat and connectivity.

The Department acknowledges there are difficulties in achieving like for like offsets for the removal of unique vegetation within a limited lease area. Further consideration of offsets by the Applicant is therefore necessary, in consultation with the OEH. This is similar to the considerations being investigated for the modification to the Stage 1A trail, which proposed the change in management regime of the offset area.

The Department has recommended a condition of consent that requires an 'Environmental Offsets Plan' be prepared by the Applicant, to be endorsed by the OEH prior to being submitted to the Secretary or nominee for approval.

All disturbed areas, including the redundant tracks, shall be rehabilitated in accordance with the 'Rehabilitation Guidelines for the Resorts Areas, Kosciuszko National Park' (NPWS 2007).

Summary

The Department has addressed the environmental impacts of the design and location of the modified alignments through a range of conditions of consent to ensure that the trails minimise disturbance during construction and are constructed to ensure longevity. The Department concludes that these measures reduce the environmental impacts of the proposed trails to an acceptable level.

4.2. Construction impacts

Corridor width

The Applicant has proposed that the trail alignment be within a corridor of 10 metres, being 5 metres either side of the ground-truthed alignment. In terms of the trail itself, the Applicant proposes to remove vegetation along a flexible alignment of 1 - 2.5 metres width (with an average of 1.7 metres for the alterations within the 10 metre corridor).

One of the benefits of the corridor is that this allows for minor adjustments to the location of the final trail during construction to respond to any unforeseen circumstances that may occur on site, particularly in relation to environmental constraints where it may be more appropriate to go around an object rather than remove it.

The Department concludes that the proposed corridor width is satisfactory as it would enable the trail construction to review its alignment during construction, without the need for further assessment.

Rock armouring

The Applicant intends to install rock armouring to the trail to harden the trails and create an elevated trail tread above wet or soft terrain and to harden the trail tread against user caused erosion.

The Department notes that rock armouring has been successfully utilised where wet areas are located on the trail, post construction or during construction, to divert water seeping across the trails. The Department supports the use of rock armouring on the proposed alignments as the armouring assists in the reduction of erosion off the trails and the formation of an edge treatment to define the trail alignment for future users.

Materials

The Applicant has identified the location of construction work areas, site compound and stockpile locations within the Detailed Site Environmental Management Plan.

The OEH has recommended that all materials and equipment must be stored at the designated stockpile sites, 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.

The identified stockpile locations are considered to be positioned at appropriate points to minimise any impacts on the existing vegetation, being predominantly located on disturbed areas. Careful monitoring of the site compounds / stockpile areas is required by the Applicant to ensure the materials do not spread into undisturbed areas.

Conditions of consent are recommended noting the Applicant's commitments and comments from the OEH, including reference to the recently adopted 'Soil Stockpile Guidelines for the Resort Areas of Kosciuszko National Park, October 2017'.

5. CONCLUSION

The Department has assessed the merits of the proposal taking into consideration the issues raised in all submissions and is satisfied that the impacts have been satisfactorily addressed within the proposal and the recommended conditions.

The OEH provided comments on the application and recommended a number of other conditions. Concerns were raised with the proposed offsets, however this can be reviewed post determination of the application. The concerns raised by the OEH are acknowledged, with the Department carefully assessing the potential natural environmental impacts associated with the proposal and has recommended several measures to minimise these impacts.

The deviations of the trails provide improved winter and summer operations for the Applicant (with the movement of berms to within adjacent vegetation areas and off ski slopes) and reduce tight corners below Black Sallees.

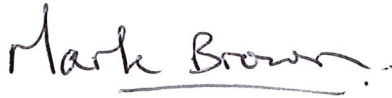
The Department recommends that the application be approved, subject to recommended conditions of consent. With the inclusion of the recommended conditions and involvement in inspections during construction, additional impacts upon the existing vegetation can be minimised.

6. RECOMMENDATION

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

- a) **consider** all relevant matters prescribed in Section 79(C) of the EP& A Act, including the findings and recommendations of this report;
- b) **approve** the Development Application (DA 8405), subject to conditions, under Section 80 of the EP&A Act, having considered all relevant matters in accordance with (a) above; and
- c) **sign** the Development Consent at **Appendix D**.

Prepared by:



Mark Brown
Senior Planner, Alpine Resorts Team

DECISION

Approved by:


16/11/2017

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=8405

APPENDIX B. CONSIDERATIONS UNDER THE EP&A ACT

Section 5A - Significant effect on threatened species, populations or ecological communities, or their habitats

Refer to **Section 4.1** of this report.

The location of the proposal within the Thredbo head lease provides a wide variety of flora and fauna species. The Applicant's ecologist states that the study area provides potential habitat for a range of native fauna, including the following threatened species:

- Broad-toothed Rat (vulnerable – known to occur);
- Gang-gang Cockatoo (vulnerable – potential to occur);
- Flame Robin (vulnerable – potential to occur)
- Olive Whistler (vulnerable – potential to occur)

A seven part test in accordance with section 5A of the EP&A Act was commissioned by the Applicant to consider the proposal's impact upon the Broad-toothed rat, Gang-gang Cockatoo, Flame Robin, Olive Whistler. This is summarised in **Table 2**.

Table 2: Assessment of Significance

Threatened Fauna	Assessment
Broad-toothed Rat (<i>Mastacomys Fuscus</i>)	<p>Evidence of the species, in the form of small numbers of occur within the study area and surrounds. Whilst the upper parts of the study area provides some known habitat for the species, no major concentrations of scats or other evidence of nesting activity was detected.</p> <p>The action proposed will affect some known and potential habitat for the species, however, it will affect only a very small amount of the potential habitat for the species in the Thredbo Resort area. The action proposed will not affect any key resources for the species, and the habitats immediately adjoining the study area will continue to be available to the species after the implementation of the action proposed. As such, the action proposed is unlikely to adversely affect a significant proportion of the home range of one or more Broad-toothed Rat individuals.</p> <p>The action proposed will not result in habitat fragmentation which could isolate individuals or a population of the Broad-toothed Rat.</p> <p>Under these circumstances, the action proposed is considered unlikely to disrupt the life cycle of the Broad-toothed Rat such that a viable local population is likely to be placed at risk of extinction.</p>
Gang-gang Cockatoo (<i>Callocephalon fimbriatum</i>)	<p>The species is regularly observed at Thredbo and in montane and subalpine areas in the region. Whilst the species may forage within the study area, it would not breed there given the absence of suitable nesting habitat. Given the extensive forests within the locality, breeding and roosting habitat is likely to be relatively abundant. The study area provides a</p>

	<p>very small area of suitable foraging resources for the species. The foraging resources (generally eucalypt trees) to be removed in association with the action proposed would not be important for the species, given the extent of foraging resources in the Thredbo Resort area.</p> <p>Under these circumstances, the action proposed will not disrupt the life cycle of the Gang-gang Cockatoo such that a viable local population of the species is likely to be placed at risk of extinction.</p>
<p>Flame Robin (<i>Petroica phoenicea</i>)</p>	<p>There are numerous records of the species throughout the NSW Alps. It is well known from the Thredbo Resort area and is one of the most common birds of open habitats outside of the winter period.</p> <p>The proposal will affect a very small amount of potential nesting and foraging habitat for the species. This is negligible in the context of the extensive areas of similar habitat within the Thredbo Resort area that will not be affected by the action proposed and which will continue to be available to the species. The species is not sedentary and undertakes substantial seasonal migrations, reducing the species dependence on any specific area of known or potential habitat.</p> <p>Under these circumstances, the action proposed is unlikely to disrupt the life cycle of the Flame Robin such that a viable local population of the species is likely to be placed at risk of extinction.</p>
<p>Olive Whistler (<i>Pachycephala olivacea</i>)</p>	<p>There are numerous records of the species throughout the NSW Alps including within the Thredbo Resort area where it is considered a common resident. The Thredbo Valley population is considered to be contiguous with other populations to the north and south (MGP 1996). The species was not recorded within the study area during the survey period however it is likely to occur there from time to time.</p> <p>The action proposed will result in the loss of a very small amount of potential foraging habitat for the Olive Whistler, where the proposed trails traverse the Subalpine Woodland in the lower parts of the study area. The species would not breed in the habitats to be affected.</p> <p>Whilst the proposal will affect a small area of potential foraging habitat for the species, the habitat to be removed or modified is very small relative to the extensive areas of similar habitat which occur immediately beyond the study area. Extensive areas of potential habitat for the species are contiguous with the study area in the extensive Subalpine Woodlands within the Thredbo Valley and the Subalpine Riparian Scrubs which occur along creeks within the Thredbo Valley.</p> <p>Under these circumstances, it is considered unlikely that the action proposed would affect the life cycle of the Olive</p>

	Whistler such that a viable local population of the species is likely to be placed at risk of extinction.
--	---

To further mitigate potential impacts, the Applicant's ecologist recommended the implementation of a number of measures including:

- All disturbance should be kept to the minimum required to achieve the proposal. In particular, excavation and any vegetation removal should be undertaken so as to minimize damage to surrounding vegetation and associated habitats.
- As far as is possible, excavation and other activities should be undertaken from existing disturbed areas or within the proposed traverse footprint, so as to not extend the disturbance footprint beyond the proposed traverse.
- Appropriate safeguards should be in place during the proposed works to limit the potential for invasive plants or pathogens, chemicals or any other pollutants to enter the environment in association with the action proposed.
- 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.
- Rehabilitation activities should be consistent with the resort areas rehabilitation guidelines (NGH Environmental 2007).

Section 79C(1) – Matters for consideration

Section 79C of the EP&A Act requires that the consent authority, when determining a development application, must take into consideration the following matters:

(a)(i) any environmental planning instrument (EPI)	Consideration of the provisions of all EPIs that apply to the proposed development is provided in Appendix C of this report.
(a)(ii) any proposed instrument	Not applicable.
(a)(iii) any development control plan	Not applicable.
(a)(iia) any planning agreement	Not applicable.
(a)(iv) the regulations	The Department has undertaken its assessment in accordance with all relevant matters as prescribed by the regulations, the findings of which are contained within this report.
(a)(v) any coastal zone management plan	Not applicable.
(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,	The Department has considered the likely impacts of the development. All environmental impacts can be appropriately managed and mitigated through recommended conditions of consent.
(c) the suitability of the site for the development,	The suitability of the site has been considered in Section 5 of this report.

(d) any submissions made in accordance with this Act or the regulations,	The Department has considered the issues raised in agency submissions in Sections 4 and 5 of this report. One public submission was received, with the matters raised discussed in Section 4 .
(e) the public interest.	<p>The proposed development is consistent with the aim and objectives of the Alpine SEPP and would be compatible with the other mountain bike trails within Thredbo. The environment impact is considered to be acceptable and the proposal is consistent with the principles of ESD.</p> <p>As such, the proposal is considered to be in the public interest, subject to the imposition of appropriate conditions.</p>

APPENDIX C. CONSIDERATION OF ENVIRONMENTAL PLANNING INSTRUMENT

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

CI 14(1) – Matters to be considered by consent authority	
(a) the aim and objectives of this policy, as set out in clause 2	See discussion above.
(b) the conservation of the natural environment and any measures to mitigate environmental hazards (including geotechnical hazards, bush fires and flooding),	No specific measures that would adversely impact upon the natural environment are required to mitigate any environmental hazards.
(c) the cumulative impacts of development on existing transport, effluent management systems, waste disposal facilities or transfer facilities, and existing water supply	<p>It is likely that the alterations to the existing trails along would not attract additional riders to Thredbo.</p> <p>An increase in summer visitation is more likely a result of the increase in popularity of mountain biking in general and the other trails that the Applicant has implemented. Summer visitation is still well below winter numbers.</p> <p>The resort is adequately serviced for winter numbers and as such can cope with an increase in summer visitation.</p>
(d) any statement of environmental effects,	The SEE and additional information supplied are considered adequate to enable a proper assessment of the proposal.
(e) the character of the alpine resort,	The proposal would not adversely alter the character of the resort.
(f) the Geotechnical Policy – Kosciuszko Alpine Resorts,	<p>A Form 4, Minimal impact certification, in accordance with the Department's Geotechnical Policy and a geotechnical assessment prepared by Asset Geotechnical has been provided for the proposal.</p> <p>These confirm that the proposal will constitute minimal or no geotechnical impact and provides advice and recommendations to be taken into account during the design and construction phases of the development.</p>
(g) any sedimentation and erosion control measures,	The construction of the trails would involve earthworks that would be done by small excavators or by hand as required. Therefore, it is essential that appropriate erosion prevention and sediment control measures are in place for the

	<p>duration of the construction works. After consideration of the application, it is considered that the development could be constructed in a manner that minimises erosion and appropriately contains sediment.</p> <p>The Applicant has provided a detailed Site Environmental Management Plan (SEMP), subject to amendments, that will be implemented prior to the commencement of works.</p>
(h) any stormwater drainage works proposed,	The trails would not be subject to stormwater drainage works such as pit and pipe systems. The trails would be constructed using effective water diversion measures and rock armouring where necessary.
(i) any visual impact of the proposed development, particularly when viewed from the Main Range,	The proposal would not result in an unacceptable visual impact as the trails are not highly visible from any public vantage points nor would they be visible from the main range.
(j) any significant increase in activities, outside of the ski season,	The provision of these alterations to the trail and implementation of the overpass structure is not likely to increase the amount of summer visitors to the mountain. The local economy is more likely to benefit from the proposal due to the increase in the mountain biking population as a result of increase participation due to the trails that the Applicant currently provides.
(k) if the development involves the installation of ski lifting facilities,	The proposal does not involve the installation of any new ski lifting facilities.
(l) if the development is proposed to be carried out in Perisher Range Alpine Resort: the document entitled Perisher Range Resorts Master Plan and the document entitled Perisher Blue Ski Slope Master Plan,	Not applicable to the proposal.
(m) if the development is proposed to be carried out on land in a riparian corridor: <ul style="list-style-type: none"> (i) the long term management goals for riparian land, and (ii) whether measures should be adopted in the carrying out of the development to assist in meeting those goals. 	The proposal is not located within a riparian corridor.
CI 17 – applications referred to the Office of Environment and Heritage (OEH)	
The proposal was referred to the OEH pursuant to clause 17 of the Alpine SEPP. Refer to comments received at Section 3 and discussion on proposal at Section 4 .	

CI 26 – Heritage conservation	
European heritage	The proposal would not impact on any European heritage items.
Aboriginal heritage	<p>The OEH raised concerns that due diligence was not undertaken during the preparation of the SEE. However, the OEH states that <i>'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 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.'</i></p> <p>The above comments are noted and a condition is recommended addressing the above.</p>

APPENDIX D. RECOMMENDED CONDITIONS OF CONSENT
