

Development consent

Section 80 of the *Environmental Planning and Assessment Act 1979*

As delegate of the Minister for Planning, I grant development consent to the development application referred to in Schedule 1, subject to the conditions in Schedule 2.

These conditions are required to:

- prevent, minimise, and/or offset adverse environmental impacts including economic and social impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the development.



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Jindabyne

15/11/2017

SCHEDULE 1

Application No.:	DA No. 8817
Applicant:	Kosciuszko Thredbo Pty Ltd
Consent Authority:	Minister for Planning
Land:	Thredbo Alpine Resort, Kosciuszko National Park
Type of Development:	General Development
Approved Development:	Use of existing Cannonball Downhill and Flow mountain bike trails and immediate surrounds

DEFINITIONS

Act		means the <i>Environmental Planning and Assessment Act, 1979</i> (as amended).
Advisory Notes		means advisory information relating to the consent but do not form a part of this consent.
Applicant		means Kosciuszko Thredbo Pty Ltd.
Approval Body		has the same meaning as within Division 5 of Part 4 of the Act.
BCA		means the edition of the Building Code of Australia in force at the time of lodgement of an application for a Construction Certificate.
Certifying Authority		has the same meaning as Part 4A of the Act.
DA No 8817		means the development application and supporting documentation submitted by the Applicant on 10 October 2017.
Department		means the Department of Planning and Environment, or its successors.
Director		means the Director of Key Sites Assessments or a delegate of the Director of Key Sites Assessments within the Department.
DPI Water		means the NSW Department of Primary Industries - Water, or its successors.
Minister		means the Minister for Planning, or nominee.
OEH		means the NSW Office of Environment and Heritage, or its successors.
PCA		means the Principal Certifying Authority and has the same meaning as Part 4A of the Act.
Regulation		means the <i>Environmental Planning and Assessment Regulations, 2000</i> (as amended).
Secretary		means the Secretary of the Department, or nominee/delegate.
Secretary's agreement satisfaction	approval, or	means a written approval from the Secretary or nominee/delegate.
Subject site		has the same meaning as the land identified in Part A of this schedule.
Team Leader		means the Team Leader of the Alpine Resorts Team within the Key Sites Assessment division (or its successors) or a delegate of the Team Leader of the Alpine Resorts Team within the Department.

SCHEDULE 2

PART A – ADMINISTRATIVE CONDITIONS

A.1 Obligation to minimise harm to environment

In addition to meeting the specific performance criteria established under this consent, the Applicant shall implement all reasonable and feasible measures to prevent and/or minimise any harm to the environment that may result from the construction or operation of the development.

A.2 Development in accordance with approved documentation and plans

The development shall be in accordance with the Development Application No. DA 8817 submitted by Kosciuszko Thredbo Pty Ltd on 10 October 2017 and as amended on 2 November 2017 and 13 November 2017 and in accordance with the supporting documentation submitted with that application including, but not limited to, the following:

Ref No.	Document	Title/Description	Author/Prepared by	Date	Document Reference
1	Statement of Environmental Effects (SEE)	Use of Existing Mountain Bike Trails – Cannonball Downhill and Flow Trails	Kosciuszko Thredbo Pty Ltd	-	-
2	Report	Thredbo MTB (Draft) Mountain Bike Trail Management Plan	Kosciuszko Thredbo Pty Ltd	15 November 2017	V4 Draft
3	Plan	Thredbo Mountain Bike Trails (Note: applicable only to the Cannonball Downhill and Flow mountain bike trails)	Kosciuszko Thredbo Pty Ltd	13 November 2017	-

A.3 Inconsistency between documents

If there is any inconsistency between the plans and documentation referred to above, the most recent document shall prevail to the extent of the inconsistency. However, conditions of this approval prevail to the extent of any inconsistency.

A.4 Lapsing of consent

This development consent will lapse five years from the date of consent, unless the use of any land, building or work relating to the development is actually commenced on the land to which this consent applies before the date on which the consent would otherwise lapse.

A.5 Prescribed conditions

All works shall comply with the prescribed conditions of development consent as set out in Part 6, Division 8A of the Regulation. In particular, your attention is drawn to:

- (a) clause 98, Compliance with Building Code of Australia; and
- (b) clause 98A, Erection of signs during building and demolition works.

A.6 Australian standards

All works shall be carried out in accordance with current Australian Standards.

A.7 Legal notices

Any advice or notice to the consent authority shall be served on the Secretary.

A.8 Flexible corridor of 20 metres

The mountain bike trails shall be restricted to within a flexible corridor of 20 metres (10 metres either side of the existing centreline). The corridor will provide flexibility for ongoing maintenance and rehabilitation through responding to environmental constraints. The flexible corridor excludes native vegetation areas.

No disturbance is permitted to native vegetation areas, unless provided elsewhere in this consent.

PART B – OPERATIONAL REQUIREMENTS

B.1 Works as executed plan

Within 6 months from the date of determination, a plan indicating the alignment of the trails shall be submitted, which includes GPS coordinates, and be provided to the Secretary or nominee with a copy to the OEH.

B.2 Ancillary Works Guideline

The Applicant shall prepare a 'Mountain Bike Trail Ancillary Works Guideline', which 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.

The guideline shall incorporate parameters to allow for ancillary works, including ancillary structures to be undertaken as part of the subject development consent (therefore without separate development consent).

B.3 Removal of ancillary structures for ski season

Where required, ancillary structures can be removed prior to the commencement of the ski season and then reinstated for the following mountain bike season.

B.4 Trail Management Plan

- (a) The Applicant shall prepare a Final Trail Management Plan (TMP) within 6 months of the determination of this application which 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 requirements of the TMP:
 - (i) shall be monitored and implemented throughout the life of the trails;
 - (ii) shall be reviewed annually; and
 - (iii) can be amended with in accordance with (a) above.

B.5 Signs

Decision point signs at the start of each trail are to be in existing disturbed areas. Waymarkers should be in existing disturbed areas where possible.

B.6 Waste management

The trails shall be kept clean and tidy at all times. Where rubbish is identified, measures are to be implemented to rectify the issue.

B.7 Offensive Noise

The use of the mountain bike trails and any associated events must not give rise to the emission of an "offensive noise" as defined under the *Protection of the Environment Operations Act, 1997* to adjoining properties.

B.8 Opening of trails

A minimum of seven days prior to the opening of the trails each year, the Applicant must provide written notification to the Secretary or nominee that any required remedial and maintenance works have been undertaken to ensure that:

- (a) the use of the trail does not pose a significant risk to the public; and
- (b) the potential for environmental damage as a result of the previous winter season has been appropriately mitigated.

B.9 Snow on trails

The trails are not to be opened for use if there is still snow on any part of the trails. Machinery is not to be used to clear snow off the trails, where they adjoin native vegetation.

B.10 Bump in and bump out for mountain bike associated events

Bump in time for mountain bike associated events shall commence no earlier than five (5) days prior to the event. Bump out time shall be completed within three (3) days of the event.

B.11 Hours of operation for mountain bike associated events

The events shall open to the public no earlier than 8:00 am and close no later than 11:00 pm of each day of an event unless otherwise agreed in writing by the Secretary or nominee.

B.12 Additional approvals or licences

It is the Applicant's responsibility to obtain any additional approvals or licences required in order to undertake the event.

B.13 Scaffolding for recreation purpose

Scaffolding shall be erected in accordance with NSW Work Cover Guidelines and relevant Australian Standards.

The construction or installation of a scaffolding structure shall be undertaken in accordance with the following:

- a) each individual structure must not have a total area exceeding 50m²;
- b) for all structures being used at the same time on any one site – the recreational structures must not have a total area exceeding 100m² at any one site;
- c) each structure must be erected so as to ensure that there is a distance of at least 1 metre from native vegetation;
- d) each structure must be erected at ground level; and
- e) each structure must have a height, as measured from the surface on which the structure is erected to the highest point of the recreational structure, not exceeding 6 metres.

unless otherwise approved by the Secretary or nominee.

B.14 Trail alignment and jumps park areas

Annual preparation of the trail alignment and jumps park areas are limited to the 'summer period' (after the long weekend in October through to 31 May) and must not commence when snow is located on the trail alignment or within the jumps park areas. Machinery should not be used to remove snow from the trails, where they adjoin native vegetation.

The jump parks consisting of earthmounds are to be created prior to the opening of the mountain bike season and then dismantled and spread across the existing terrain, excluding areas containing native vegetation, particularly Endangered Ecological Communities.

The procedure for the establishment and dismantling of the jumps park areas is as per the Trail Management Plan approved under Condition B.4.

PART C – ONGOING MANAGEMENT AND MAINTENANCE

C.1 Rock armouring

Rock armouring, where required, is to be designed so as to keep riders on the track alignment. If appropriate, measures are to be put in place to ensure riders "stay on track" and do not go around the rock armouring.

C.2 Imported material

Imported gravel or material that is to be used on or adjoining the trail is to be free from weeds and pathogens and in accordance with the 'Soil Stockpile Guidelines for the Resort Areas of Kosciuszko National Park, October 2017'.

C.3 Tree roots

Tree roots exposed during the ongoing use / maintenance of the trail are to be protected from damage, by rock armouring or another suitable method, endorsed by the Secretary or nominee, in consultation with the OEH.

C.4 Machinery

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

C.5 Stabilising agents

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

C.6 Reporting to the Department and the OEH

A reporting system shall be developed to ensure that all environmental monitoring and management actions that are carried out in accordance with the TMP are appropriately report to the Department and the OEH. The reporting system must be approved by the Secretary or nominee, after consultation with the OEH.

C.7 Aboriginal heritage

If any material suspected of being an Aboriginal relic or artefact becomes unearthed in the course of works:

- (a) all works impacting the objects or artefacts shall cease immediately as pursuant to Part 6 of the *National Parks and Wildlife Act 1974*;

- (b) the Applicant must immediately contact the OEH to arrange for representatives to inspect the site; and
- (c) upon request by the Secretary or nominee and/or OEH, the Applicant is to provide the Secretary or nominee and OEH personnel safe access to the construction site for the purposes of undertaking further cultural heritage related assessments as considered appropriate by OEH.

All workers on the site are to be made aware of this condition. Any works carried out outside of the assessment area is to be subject to an Aboriginal heritage assessment.

C.8 Storage of materials

The Applicant shall ensure that at all times during maintenance and events that no storage or disposal of materials shall take place beneath the canopy of any trees or on native heath vegetation. Materials (including excavated materials) must not be stockpiled for extended periods along any part of the trails.

All stockpiling is to be in accordance with the 'Soil Stockpile Guidelines for the Resort Areas of Kosciuszko National Park, October 2017'.

C.9 Erosion and sediment control measures

- (a) All erosion prevention and sediment control measures in place shall be checked regularly and maintained in good working order at all times. All exposed earth must be kept stabilised and revegetation must commence as soon as practicable. All straw bales used for sediment and erosion control must be certified as weed free.
- (b) The erosion and sediment controls shall also ensure that:
 - (i) grading, excavation and construction does not take place during or immediately after significant rainfall or snowfall events;
 - (ii) sediment traps are designed, installed and maintained to maximise the volume of sediment trapped from the site during construction; and
 - (iii) disturbed areas that are not required for further construction access are to be stabilised and revegetated during trail construction.

C.10 Rehabilitation

- (a) Rehabilitation shall be undertaken in accordance with the Rehabilitation Guidelines for the Resorts Areas, Kosciuszko National Park (NPWS 2007).
- (b) Site stabilisation and rehabilitation works shall commence, as soon as possible, following the completion of each section of work to minimise exposed areas.
- (c) Initial establishment of the redundant track rehabilitation, including all planting, mulching and stabilisation should commence as soon as the new track route is being used.
- (d) Exotic grass species such as Chewings Fescue are not suitable for the rehabilitation of areas containing native species.
- (e) Monitoring, maintenance and replacement planting must occur every 12 months with results recorded.

C.11 Establishment of Trail corridor

All management and maintenance of the trails is to establish the below:

- (a) Appropriate plant and equipment set down areas must be on existing disturbed areas and must avoid EECs.
- (b) All works and machinery must be contained within the trail corridor and nominated set down areas.

C.12 Geotechnical parameters

Establishment of the jumps park, trail maintenance and ancillary works shall be undertaken in accordance with the following geotech parameters:

- (a) Good earthworks practices should be followed for the minor cut-to-fill earthworks, involving keying of fill into suitable residual soils or weathered granite, placing and compacting fill in layers not more than 250mm loose thickness, and providing batter slopes no steeper than 2H:1V with appropriate erosion protection. Steeper slopes (1.5H:1V) could be considered for extremely weathered granite slope formations, increasing to 0.25H:1V for slightly weathered to fresh granite cuts.
- (b) Fill should be over-placed nominally 0.3m to 0.5m extra width, and then trimmed back after compaction.
- (c) Place granular base-course for bike trail.
- (d) Place erosion protection over cut and fill batter as per landscapers requirements.
- (e) Earthmounds should be formed no steeper than 2H:1V in soils, 1.5H:1V in extremely weathered granite, and 0.25H:1V in slightly weathered to fresh granite.
- (f) Platforms should be adopted where crossing drainage depressions and low-lying 'boggy' ground, instead of cut-and-fill earthworks.
- (g) Footings should be taken into the decomposed granite (dense medium to coarse sand), and may be designed for a maximum allowable bearing pressure of 200 kPa.
- (h) Where footings cannot achieve lateral stability (e.g. refusal on shallow boulders / bedrock), then a hole can be dug by the excavator down to bedrock and then a footing established.
- (i) Rock excavation, where required, should be carried out using relatively low vibration / impact methods such as rock hammering or low-energy explosive charges in drill holes filled with water.
- (j) If poor subgrade materials (e.g. soft and / or wet soils) are encountered, or significant seepage is encountered which cannot be controlled by diversion drains, a qualified and experienced Geotechnical Engineer should be consulted for further advice.

ADVISORY NOTES

AN.1 Appeals

The Applicant has the right to appeal to the Land and Environment Court in the manner set out in the *Environmental Planning and Assessment Act, 1979* and the *Environmental Planning and Assessment Regulation, 2000* (as amended).

AN.2 Responsibility for other consents / agreements

The Applicant is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.