



Easy Rider T-bar, Thredbo T-bar Replacement

Development Application Assessment
DA 10669

September 2021

Published by the NSW Department of Planning, Industry and Environment

dpie.nsw.gov.au

Title: Easy Rider T-bar, Thredbo, T-bar Replacement

Subtitle: Development Application Assessment, DA 10669

Cover image: *Main Range, Kosciuszko National Park (Source: Alpine Resorts Team)*

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Glossary

Abbreviation	Definition
BCA	Building Code of Australia
BC Act	<i>Biodiversity Conservation Act 2016</i>
BC Regulation	<i>Biodiversity Conservation Regulation 2017</i>
BVM	Biodiversity Values Map
Consent	Development Consent
CPP	Community Participation Plan
Department	Department of Planning, Industry and Environment
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
EPI	Environmental Planning Instrument
ESD	Ecologically Sustainable Development
KNP	Kosciuszko National Park
Minister	Minister for Planning and Public Spaces
NPWS	National Parks & Wildlife Service
Planning Secretary	Secretary of the Department of Planning, Industry and Environment
SEPP	State Environmental Planning Policy

Executive Summary

This report provides an assessment of a Development Application (DA 10669) seeking approval to demolish the current 'Easy Rider' T-bar, bottom station and lift hut; construct a new T-bar, including a new lift hut and bottom station storage/workshop/operator compartment; and associated works along the alignment comprising a new drainage pipe, earthworks, clearing of vegetation above the unload area; and providing a temporary mountain bike trail diversion at Thredbo Alpine Resort within Kosciuszko National Park (KNP). The Applicant is Kosciuszko Thredbo Pty Ltd.

The Minister for Planning and Public Spaces is the consent authority for development within a ski resort in KNP and the proposal is permissible with consent under the provisions of *State Environmental Planning Policy (Kosciuszko National Park-Alpine Resorts) 2007* (the Alpine SEPP).

The Department of Planning, Industry and Environment (the Department), exhibited the application between 8 March 2021 until 6 April 2021 consistent with the Department's Community Participation Plan (CPP). The Department also made the application publicly available on the Department's website and referred the application to relevant government agencies. The Department received a submission from the National Parks and Wildlife Service (NPWS) and one (1) public submission in support of the proposal.

The Department has assessed the proposal in accordance with the relevant matters under section 4.15(1) and the objects of the *Environmental Planning and Assessment Act 1979* (EP&A Act), the principles of Ecologically Sustainable Development, and issues raised in submissions as well as the Applicant's response to these issues.

Based on a merit assessment of the application, the Department considers the proposal is acceptable as:

- the proposal is permissible with consent under the Alpine SEPP
- there will not be a significant impact on any threatened species, populations or ecological communities and the natural environment and cultural values associated with KNP are protected
- replacement of the existing T-bar along the same alignment complement the surrounding setting with the works providing opportunities for improved skier movement within Thredbo Alpine Resort
- construction impacts are acceptable with the inclusion of requirements to ensure impacts are minimised
- the works are consistent with the regional plan for the locality and the Alpine SEPP and supports visitation to the ski resorts
- the recommended conditions would require construction impacts to be minimised having regard to the existing native vegetation, all disturbed areas to be rehabilitated following construction and an environmental officer to monitor construction works

The Department's assessment concludes the application is in the public interest as it provides a significant capital investment into the resort by modernising the lifting infrastructure and improving efficiency, and will lead to overall improved visitor experiences which supports the regional plan for the locality and maintains its consistency with the Alpine SEPP.

The Department therefore recommends the application be approved subject to conditions.

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1 Introduction

1.1 The Department's Assessment

This report details the Department's assessment of a Development Application (DA 10669) for the installation of a new T-bar and other associated works along the existing Easy Rider T-bar alignment at Thredbo Alpine Resort (**Figure 1**) within KNP.

Kosciuszko Thredbo Pty Ltd (the Applicant) are seeking development consent to demolish the current Easy Rider T-bar, bottom station and lift hut; construct a new T-bar, including a new lift hut and bottom station storage/workshop; and associated works along the alignment comprising a new drainage pipe, earthworks, clearing of vegetation above the unload area, and providing a temporary mountain bike trail diversion.



Figure 1 | Site in relation to Thredbo Alpine Report (Source: Applicant's documentation)

The Department's assessment considers all documentation submitted by the Applicant, including the Statement of Environmental Effects (SEE), the Applicant's response to submissions and submissions from government authorities and the public. The Department's assessment also considers the legislation and planning instruments relevant to the site and the development.

This report describes the development, surrounding environment, relevant strategic and statutory planning provisions and the issues raised in submissions. The report evaluates the key issues associated with the development and concludes that the development is in the public interest and should be approved, subject to conditions.

1.2 Site context

The site's legal description is Lot 876 in DP1243112, located in the Thredbo Alpine Report at the southern end of the KNP, approximately 35 kilometres from Jindabyne. Thredbo Alpine Resort is a year-round destination resort catering for both winter and summer activities.

The development site is located in the northern end of the Thredbo Alpine Report, within the 'Merritts' ski precinct (**Figure 2**). The immediate area comprises the top station of the Gondola Chairlift, an adjoining ski patrol hut and the Merritts restaurant providing outdoor and indoor seating. The Cruiser Chairlift and Merritts ski area is provided to the west and southwest of the site, with native vegetation located to the north and south.

The Applicant states that the T-bar was originally installed for beginner skiers associated with a resort ski school operating out of the Merritts ski area. The T-bar (originally called the 'Ski School lift'), was installed in 1968. In 1994, the T-bar lift was shortened to accommodate the 'Cruiser Chairlift.'

Due to the historic operation of the existing T-bar, skiing related activities and more recently mountain bike trail developments within the area, the site is predominantly disturbed and free of significant vegetation along the alignment of the existing T-bar.



Figure 2 | Easy Rider T-bar location (Source: SIX Maps)

1.3 Site description

The development site is located along the existing 'Easy Rider' T-bar and generally comprises a bottom station storage/workshop hut and bottom bull wheel, loading point, six (6) towers, a top station operators hut and off load area, and a top bull wheel. The nearest watercourse is located approximately 170 metres to the north-east of the site. 'The Cruiser' ski lift bottom station and 'Merritts Mountain House' is located over 200 metres to the south of the 'Easy Rider T-bar' alignment.

The bottom section of the site contains the existing A-frame bottom station building comprising a workshop / storage area and the bottom bull wheel within the building (**Figure 3**). A separate lift operator's hut is located adjacent to the bottom station building. The loading point of the lift is provided on the higher side of Tower 1, with an existing mountain bike trail traversing across the slope and into the adjoining vegetation.

The existing alignment is a disturbed area (**Figure 4**), approximately 10 metres wide, undulating up the slope to the top station unload area.



Figure 3 | Existing bottom station, operators hut and Tower 1 (Source: Applicant's documentation)



Figure 4 | Existing T-bar alignment, looking north-west (Source: Applicant's documentation)

The top section of the site contains the top unload area to enable access to the adjoining ski slope / terrain park, a lift operators hut, and the top bull wheel in the adjacent vegetation (**Figure 5**). Located above the unload area is the traverse of the 'Boundary Riders' ski run which is to be widened to improve skier access under the T-bar.



Figure 5 | Existing top section (Source: Applicant's documentation)

2 Project

The key components and features of the proposal (identified in the Statement of Environmental Effects) are provided in **Table 1** and are shown in **Figures 6 to 10**.

Table 1 | Main Components of the development

Aspect	Description
Project Summary	<ul style="list-style-type: none"> Replacement of the existing 'Easy Rider T-bar' and associated works, construction of a new workshop/storage building, earth works, and other associated works.
Demolition of existing infrastructure	<ul style="list-style-type: none"> Demolition of the bottom and top stations (including operator huts, workshop, and storage building), lift towers, haul rope and footings.
New Easy Rider T-Bar Lift	<ul style="list-style-type: none"> Construction of the lift which will have a horizontal length of 288.5m, inclined length of 299.57m and a vertical rise of 76.25m The new lift will have a capacity of approximately 1019 people per hour utilising 35 T-bars, an improvement from approximately 740 people per hour Load and offload positions will be consistent with the existing T-bar The lift will be located on the same alignment as the existing T-bar, at the same length.
Building works and built form elements	<ul style="list-style-type: none"> Construction of a new 63m² bottom station building comprising: <ul style="list-style-type: none"> integrated lift operator room with separate entry workshop for lift maintenance storage areas a Skillion roof form and facades clad in corrugated sheet metal a raised floor level to account for snow depths in ski season Construction of a new bottom station bullwheel to be located externally and just upslope from the proposed bottom station building Construction of a new top station operators hut located in a similar position to the existing hut Construction of a new top station bullwheel located on disturbed land slightly further back from the existing bullwheel structure. Construction of five new T-Bar towers which are 7.16m in height and located within 1 to 2m of the existing lift towers. The footing for towers will be a similar dimension to existing tower footings.
Earthworks	<ul style="list-style-type: none"> Earthworks (less than 600mm in cut and fill depth) consisting of leveling out a raised area within the T-bar alignment with the spoil then used to fill a depression to the south of the proposed new bottom station building

	<ul style="list-style-type: none"> Ski slope works associated with the 'Boundary Riders' lower traverse exit are proposed consisting of 250m² tree and heath removal and cut and fill to maximum of 1.2m.
Vegetation removal	<ul style="list-style-type: none"> Works are proposed in primarily in existing disturbed areas, however approximately 500m² of vegetation removal will be required to accommodate the proposed ski slope improvement works, communications trenching and trail diversions.
Essential services and drainage work	<ul style="list-style-type: none"> A new communications cable (which connects the bottom station, top stations, and each tower together) and power lines will be trenched underground along the current disturbed T-bar corridor; Radio Frequency Identification (RFID) gate will be mobile (located on a sled) and is not required to be fixed in position; A 300mm diameter drain will be installed above Tower 3 to manage current surface drainage requirements and protect scouring around the new tower's footing.
Demolition and construction access	<ul style="list-style-type: none"> Demolition and construction access will be through existing roads, tracks, and disturbed ski slopes.
Temporary Trail Diversions	<ul style="list-style-type: none"> To manage construction of the new T-bar, riders on the 'All Mountain Trail' will be diverted away from the T-bar lift and bottom station via a short new diversion below the existing bottom station building; The trail will also service the Lower N4 Mountain Bike Trail which is currently under construction.
Estimated cost of works	<ul style="list-style-type: none"> \$2,000,000.

The Applicant notes that the development would represent a significant capital investment into the resort by modernising the lifting infrastructure and improving efficiency and operations of the lift, leading to overall improved visitor experiences.

The Applicant also states that the:

- replacement T-bar will be located on the same alignment with the same length
- social and economic impacts from the development are expected to be positive as the development will result in existing lifting infrastructure being replaced with new lifting infrastructure
- construction and employment generated will add to the overall positive economic impacts generated by the development with construction jobs being created
- current T-bar lift provides an uphill capacity of approximately 740 people per hour. The new T-bar lift is more efficient and faster with an uphill capacity of approximately 1019 people per hour.

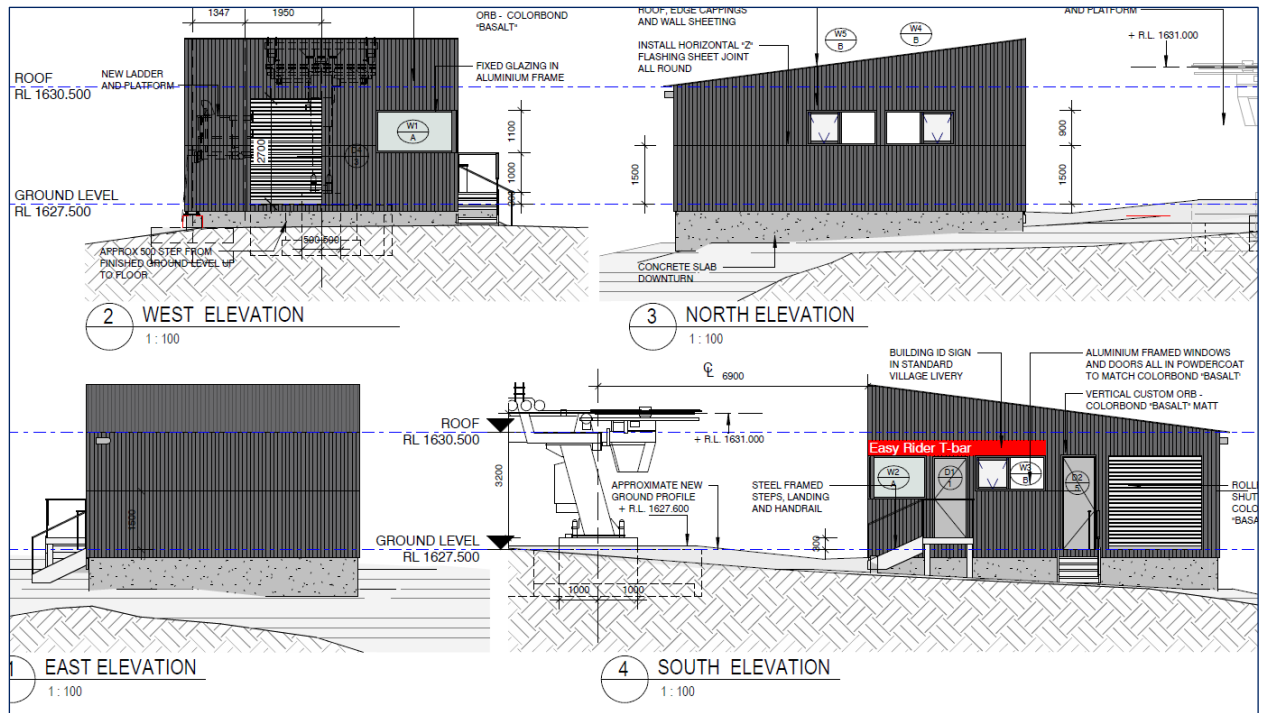


Figure 6 | Proposed new bottom station building elevations (Source: Applicant's documentation)



Figure 7 | Raised area to be levelled with spoil to be used to fill an area nearby (Source: Applicant's documentation)



Figure 8 | Depression to be filled (Source: Applicant's documentation)



Figure 9 | Location of ski slope works at the 'Boundary Riders' lower traverse exit (Source: Applicant's documentation)

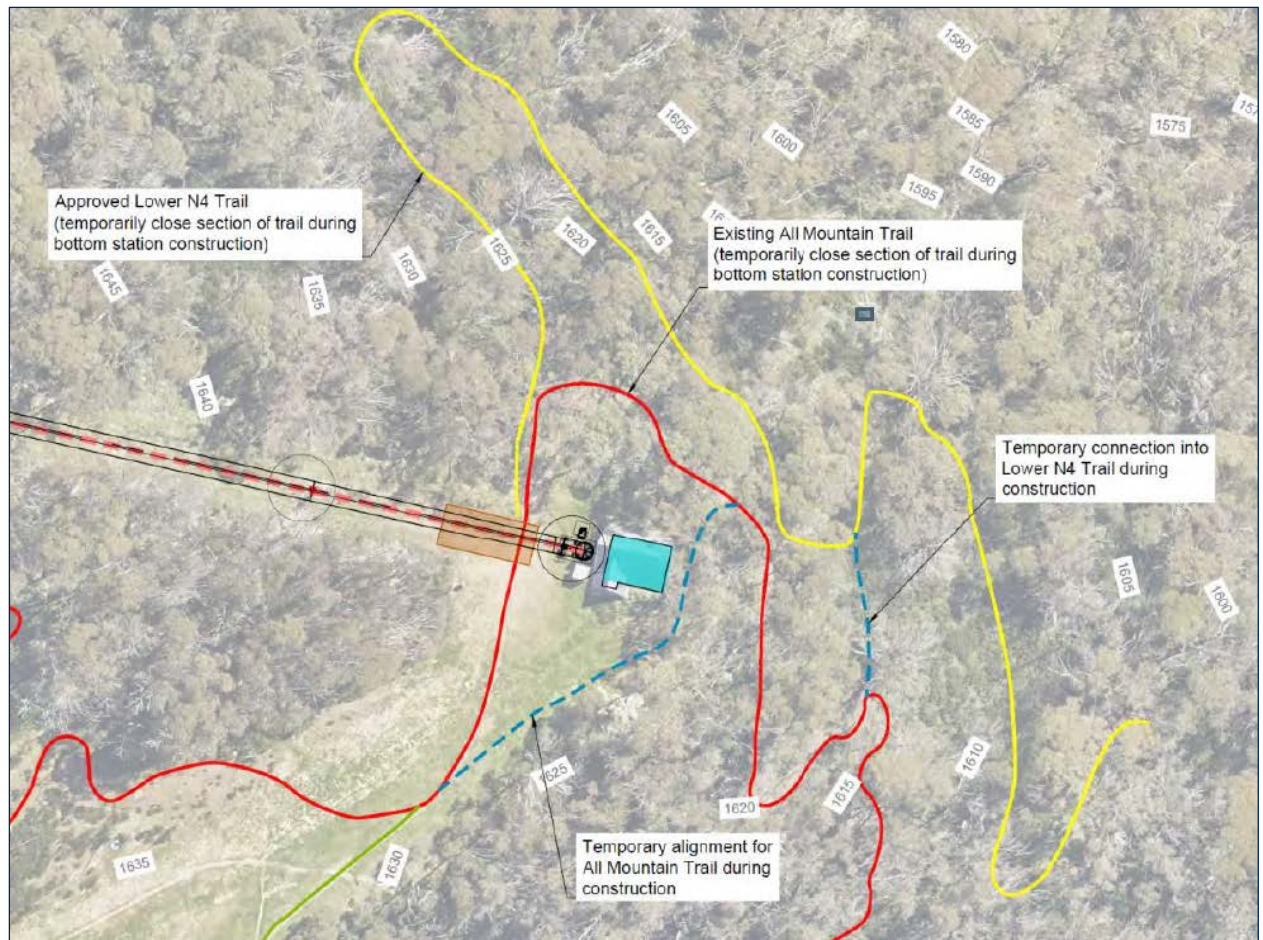


Figure 10 | Proposed Temporary Mountain Bike Trail Diversions (Source: Applicant's documentation)

3 Strategic context

The Snowy Mountains Region offers a diverse and unique mix of visitor destinations including the KNP, the alpine resorts, the iconic Snowy River and the highest mountains on the Australian continent. A strong tourism economy is driven mainly by skiing and related winter sport experiences during the peak winter season. The region, including the alpine resorts, also provides opportunities for a range of other recreational activities during the warmer months such as hiking, fishing, kayaking and mountain-biking. The resorts are important to NSW due to their economic and social contribution as well as their location within a unique alpine environment. The two main documents that support the strategic context of the alpine resorts are the South East and Tableland Regional Plan 2036 and the Alpine SEPP.

South East and Tableland Regional Plan 2036

The South East and Tableland Regional Plan 2036 describes the vision, goals and actions that will deliver greater prosperity for those who live, work and visit the region. The plan provides an overarching framework to guide more detailed land use plans, development proposals and infrastructure funding decisions.

In relation to the alpine resorts, the Regional Plan seeks to promote more diverse tourism opportunities in the Snowy Mountains that will strengthen long-term resilience while acknowledging the environmental and cultural significance of the locality.

The Department considers the proposal to be consistent with the Regional Plan. The proposal seeks to mitigate environment impacts and would provide improved infrastructure within the Thredbo Alpine Resort area, which will result in a flow on positive economic and social effects throughout the locality and Snowy Mountains region.

Alpine SEPP

The Alpine SEPP governs development on land within the ski resort areas of KNP. The Alpine SEPP aims to protect the natural and cultural heritage of land within the resorts and to encourage environmentally sustainable development. Under the provisions of the Alpine SEPP, the NPWS have a commenting role as the land manager which includes administering the Plan of Management framework for KNP that incorporates objectives, principles and policies to guide the long-term management of the broad range of values found in the park.

The proposal appropriately attempts to minimise potential environmental impacts by confining works where possible within the area of the previously disturbed T-bar Alignment. The Department considers the proposal is generally consistent with applicable provisions of the Alpine SEPP. Refer to **Appendix B** for the detailed assessment of the proposal against the relevant provisions of the Alpine SEPP.

4 Statutory Context

4.1 Consent Authority

Under Clause 7 of the Alpine SEPP, the Minister for Planning and Public Spaces 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 1 to the *Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017*.

In accordance with the Minister's delegation of 26 April 2021, the Team Leader, Alpine Resorts Team may determine the application as:

- no reportable political donation has been disclosed
- there are less than 15 public submissions in the nature of objections
- the application is in relation to land which the Alpine SEPP applies

4.2 Permissibility

The proposal includes the replacement of the existing T-bar with a new T-bar with associated works consistent with or ancillary to the definition of 'lifting facilities', 'recreation infrastructure' (being the proposed temporary mountain bike trail), and works to existing 'ski slopes' (being the works to the 'Boundary Riders' lower traverse).

Pursuant to Clause 11 of the Alpine SEPP, 'lifting facilities', 'recreation infrastructure', and 'ski slopes' are permissible with consent within Thredbo Alpine Resort.

4.3 Other approvals

Environment Protection and Biodiversity Conservation Act 1999

Under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), the Commonwealth Government is required to assess and approve a development if it is likely to impact on a matter of national environmental significance.

The Applicant's assessment against the National Heritage List Criteria and the National Heritage values of the Australian Alps concluded that the proposed development will not have a significant impact on the values of the Australian Alps National Park.

In addition, the Applicant's ecologist has commented that following consideration of the administrative guidelines for determining significance under the EPBC Act, it was concluded that the proposal is unlikely to have a significant impact on matters of National Environmental Significance or Commonwealth land, and a referral to the Commonwealth Environment Minister is not necessary.

The Department notes the comments within the SEE that the Applicant considers a referral to the Commonwealth Environment Minister is not necessary.

4.4 Mandatory Matters for Consideration

Objects of the EP&A Act

In determining the application, the consent authority is to consider whether the proposal is consistent with the relevant objects of the EP&A Act. The Department has considered the proposal against the relevant objects of the EP&A Act in **Appendix B**.

The Department is satisfied the proposal is consistent with the objects as:

- the works are aimed at promoting the orderly and economic use of the site through providing a replacement of the existing T-bar for the benefit of visitors
- there would not be an unacceptable impact on the environment thus being ecologically sustainable development, with impacts upon native vegetation limited where possible
- the proposal does not impact upon cultural heritage, including Aboriginal cultural heritage
- the application is capable of achieving compliance with relevant construction standards
- the Department provided opportunities for community participation in the assessment process, which included displaying the proposal on the Department's website during the exhibition period. The Department has considered the issues raised in the NPWS and public submission in **Section 6**

Ecologically Sustainable Development (ESD)

The EP&A Act adopts the definition of ESD found in the *Protection of the Environment Administration Act 1991*. ESD initiatives and sustainability have been adequately considered by the Applicant and mitigation measures are proposed to be incorporated into the design.

The proposal is consistent with the ESD principles and the Department is satisfied the proposed works have been developed having regard to the ESD principles, in accordance with the objects of the EP&A Act as follows:

- the works upgrade and improve existing facilities over primarily existing disturbed areas, thereby supporting the orderly and economic use of the site
- there would not be a significant impact on the environment
- the proposal is unlikely impact upon cultural heritage, including Aboriginal cultural heritage

Biodiversity Conservation Act 2016

Section 1.7 of the EP&A Act requires the application of the *Biodiversity Conservation Act 2016* (BC Act) in connection with the terrestrial environment. The BC Act introduced a Biodiversity Offsets Scheme (BOS) that applies when:

- the amount of native vegetation being cleared exceeds a certain threshold area; or
- the impacts occur within an area mapped on the Biodiversity Values Map (BVM) published by the Minister for Environment; or

- the 'test of significance', in section 7.3 of the BC Act, identifies that the development or activity is likely to significantly effect threatened species or ecological communities, or their habitats; or
- the works are carried out in a declared area of outstanding biodiversity value.

The Applicant advises that:

- the area of native vegetation affected (approximately 0.05 ha) is well below the threshold (1 ha) trigger for the BOS
- it will not affect directly or indirectly any area of land mapped within the BVM
- proposal is unlikely to have a significant effect on threatened species, populations or ecological communities or their habitats

The Department has reviewed the threshold requirements (proposed vegetation clearing is below the threshold requirement), mapping (site is located outside of the BVM) and acknowledges the test of significance undertaken by the Applicant's ecologist.

There is currently no declared area of outstanding biodiversity value within KNP.

Considerations under Section 4.15 of the EP&A Act

Under section 4.15 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 4.15 as outlined in **Table 2** below.

The table represents a summary for which consideration is provided for in **Section 6** (Assessment) and relevant appendices or other sections of this report, referenced in the table.

Table 2 | Section 4.15(1) Matters for Consideration

Section 4.15(1) Evaluation	Consideration
(a)(i) any environmental planning instrument (EPI)	<p>The Alpine SEPP is the only EPI which applies to the proposed development. An assessment against the requirements of the Alpine SEPP is provided in Appendix B.</p> <p>The Department is satisfied that the application is consistent with the applicable requirements of the Alpine SEPP.</p>
(a)(ii) any proposed instrument	Not applicable to the proposal.
(a)(iii) any development control plan	There is no development control plan applicable to the site.
(a)(iia) any planning agreement	Not applicable to the proposal.

Section 4.15(1) Evaluation	Consideration
(a)(iv) the regulations	<p>The application satisfactorily meets the relevant requirements of the EP&A Regulation, particularly the procedures relating to development applications (Part 6) and fees (Part 15, Division 1) and information and documentation required to be provided in the development application (Part 1 of Schedule 1).</p> <p>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 where relevant.</p>
(a)(v) any coastal zone management plan	Not applicable to the proposal.
(b) the likely impacts of that development	<p>The Department has considered the likely impacts of the proposed development, with minor environmental impacts likely to occur as a result (see Section 6).</p> <p>The proposal will not adversely impact the built environment and is considered to generally result in positive economic and social impacts within the Thredbo Resort area and more broadly across the Snowy Mountain Region.</p> <p>Conditions are recommended to ensure impacts during construction are minimised and that rehabilitation and stabilisation occurs post construction.</p>
(c) the suitability of the site for the development,	Site suitability is considered in detail in Section 6 of this report. The positioning of new structures and alignment of the T-bar has regard to sensitive vegetation, proposes to utilise existing disturbed areas and with the implementation of recommended geotechnical requirements, the overall proposal is considered to be suitable for the site.
(d) any submissions made in accordance with this Act or the regulations,	Consideration has been given to agency submissions received during the exhibition period. See Section 5 of this report.
(e) the public interest.	<p>The works are consistent with the aim and objectives of the Alpine SEPP, would be compatible to the uses of the locality and there would not be an adverse impact on the environment. The proposal is consistent with the principles of ESD.</p> <p>As such, the proposal is in the public interest.</p>

5 Engagement

5.1 Department's Engagement

The Department's Community Participation Plan, November 2019, prepared in accordance with Schedule 1 of the EP&A Act requires applications of development consent to be exhibited for a period of 14 days. The Department however exhibited the application for 28 days between 8 March 2021 to 6 April 2021 on the Department's website, at the DPIE Jindabyne Office (Shop 5A, 19 Snowy River Avenue, Jindabyne) and at Service NSW Centres locally.

The application was also exhibited to all lodges within Thredbo Village and NPWS pursuant to clause 17 of the Alpine SEPP.

5.2 Summary of submissions

During the exhibition period, the Department received comments from the NPWS and one (1) public submission in support of the proposal. The submission in support of the proposal commented that:

'The Easy Rider T-bar is used by younger skiers and snowboarders, replacing it as is proposed will make the lift safer for them. Therefore, I support the proposed development.'

No actions are arising from the submission.

5.3 Key issues – NPWS submission

NPWS is generally supportive of the proposal and provided the following comments:

- further information around drainage, wombat and burrow management during construction and remediation of temporary mountain bike trails is required
- the Site Environmental Management Plan (SEMP) provided is a draft and the recommendations from existing reports and NPWS recommendations should be incorporated into the final SEMP
- the proposal is considered to be permissible under the headlease to the Applicant and lessor's consent under the headlease is not required
- the proposal is considered consistent with the KNP Plan of Management
- impacts to native vegetation have been minimised where possible. Conditions to further minimise impacts, particularly for vegetation management, habitat management, rehabilitation and sediment control, have been provided
- a detailed rehabilitation and monitoring plan requiring NPWS endorsement should be prepared and endorsed prior to construction works commencing
- the conclusions of the Aboriginal Cultural Heritage Due Diligence Assessment are noted and recommended conditions for cease work requirements and updates to the SEMP are provided

5.4 Response to Submissions

The Department placed a copy of the NPSW submission on its website and requested the Applicant provide a response to the NPSW comments.

On 19 April 2021, the Applicant provided a Response to Submissions (RtS) on the comments raised by NPSW. The RtS noted that:

- the proposed drainage pipe would only convey the water that currently flows across the surface and would not change any hydrology and confirmed the project Ecologist and Geotechnical Engineer agree the pipe is necessary and will not generate significant impacts
- a wombat plan will be submitted prior to commencement of works
- once works were completed, the proposed mountain bike diversion tracks would be closed and the land rehabilitated. The works would also not require removal of mature canopy trees.

The RtS was made publicly available on the Department's website and referred to NPWS for comment.

On 1 June 2021, NPSW advised that drainage concerns had been resolved through the Applicants additional, information and that the requirement for a wombat/burrow management plan and mountain bike diversion track rehabilitation plan should be conditioned. NPWS also noted that while the requested information on construction methodology for the mountain bike diversion track has not been provided, this matter could be resolved through information included as part of the rehabilitation plan.

The Department has considered the comments received from the NPWS in **Section 6** or through recommended conditions in the proposed instrument of consent at **Appendix C**.

6 Assessment

The Department has considered the relevant matters for consideration under section 4.15 of the EP&A Act, the SEE and supporting information in its assessment of the proposal. The key issues in the Department's assessment are:

- impacts of the proposal on biodiversity
- mountain bike trail diversion
- visual Impacts

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

6.1 Impacts of the proposal on biodiversity

The Department has carefully considered the potential biodiversity impacts associated with the proposal given the location of the site and the sensitive nature of the flora and fauna within the alpine area. The Department's assessment of the potential environmental impacts of the proposal along with appropriate mitigation and management measures are considered below:

In support of the proposed works, the Applicant submitted a Fauna & Flora Assessment by Ecological Australia comprising a Test of Significance (pursuant to clause 7.3 of the BC Act). The report identified that the proposed works are not within an area mapped on the BVM (see **Figure 11** below). Additionally, the proposed amount of native vegetation clearing (approximately 0.05Ha or 500m²), will not trigger the area of clearing threshold for the site, which is 1Ha.



Figure 11 | BVM, with the current / proposed T-bar alignment (Source: Applicant's documentation)

The proposal is primarily located within an area of the resort that is already disturbed (i.e. the existing lift alignment). However, there are minor impacts resulting from vegetation removal (predominantly the understorey of Subalpine Woodland) associated with proposed ski slope, trenching and mountain bike trail diversions as per below:

- approximately 250m² for the earthworks on the lower traverse of the “Boundary Riders” ski run
- approximately 70m² for communications trenches between the offload and the bullwheel
- approximately 180m² for the temporary realignment of two sections (approximately 60 metres long in total) of the All Mountain trail (assuming an average disturbance width of 3 metres).

The Flora and Fauna Assessment also states:

‘An assessment of the effects of the proposal on threatened species, populations and ecological communities which may be directly or indirectly affected by the proposal was undertaken by applying the five factors from Section 7.3 of the Biodiversity Conservation Act 2016. This assessment concluded that the proposal is unlikely to have a significant effect on threatened species, populations or ecological communities or their habitats.’

Following consideration of the administrative guidelines for determining significance under the Commonwealth Environment Protection & Biodiversity Conservation Act 1999, it is concluded that the proposal is unlikely to have a significant impact on matters of National Environmental Significance or Commonwealth land, and a referral to the Commonwealth Environment Minister is not necessary.’

Vegetation and habitat management, sediment control and rehabilitation recommendations are incorporated within the report and would need to be carried out during the works.

One of the recommendations of the Flora and Fauna Assessment is that during construction, the active wombat burrows that were detected within study area should be protected. In particular, a barrier should be placed around the two burrows preventing any machinery or other activities directly affecting the burrow entrance, whilst still enabling wombat movement to and from the burrow. NPWS raised no concerns with this component and recommended the preparation and adoption of a Wombat and Burrow Management Plan.

NPWS also recommended conditions such as impact mitigation measures and the requirement for rehabilitation and monitoring plan (which also considered construction methodology for the trail diversion).

The Department considers the Applicant’s Flora and Fauna Assessment to be adequate and that impacts to the identified plant community types, and threatened flora and fauna species have been sufficiently avoided and mitigated. Conditions are recommended to ensure adoption of the Flora and Fauna Assessment recommendations, and preparation of a Wombat and Burrow Management Plan and Rehabilitation and Monitoring Plan.

6.2 Mountain bike trail diversion

In order to manage construction of the proposal, and in particular the bottom station and adjacent building, the the current All Mountain Trail that traverses under the T-bar lift is to be diverted away from the T-bar lift and bottom station via a short new diversion below the A-frame building.

The Applicant states that the diversion has been chosen as it provides the shortest path back to the All Mountain Trail. Another short link further below is proposed to provide a link to the new Lower N4 Trail (**Figure 12**).



Figure 12 | Location of mountain bike trail diversion (Source: Applicant's documentation)

NPWS initially requested additional information from the Applicant on the construction methodology for the mountain bike trail diversion, including the disturbance corridor, proposed earthworks, and stabilisation measures. NPWS also requested that the trail avoids the clearance of mature canopy vegetation.

The Applicant responded and confirmed that:

- the intention is that once construction works are completed, the diversion trails will no longer be needed and will be closed and rehabilitated
- the existing and already constructed trails will then be utilised
- these works can avoid the clearing of mature canopy trees. This will form part of the rehabilitation plan, to be conditioned.

Following the receipt of the additional information, NPWS raised no further concerns with proposed with details to be further addressed in the rehabilitation and monitoring plan.

The Department considers the disturbance of the native vegetation as a result of the proposed works to be acceptable. However, it is recommended that an Environmental Officer, to be appointed by the Applicant, review the trail alignment, provide certification that the alignment and design of the trail avoids the clearance of mature canopy vegetation and is consistent with IMBA design guidelines prior to construction of the trail.

Overall, the Department accepts the impacts upon native vegetation.

6.3 Visual impacts

Clause 14(1)(i) of the Alpine SEPP requires the consent authority to take into consideration any visual impact of a proposed development, particularly when viewed from the Main Range, when determining a development application.

The Applicant notes that given the location of the lift within tall Sub-Alpine Woodland vegetation, the lift is not visible from the Alpine Way or from the Main Range, and is mostly hidden from other parts of the Merritts ski area. The proposed colours and materials of the new bottom station workshop and storage building will also ensure that the building is compatible with both the summer and winter landscapes and existing built environment.

NPWS have commented that:

‘visual impacts are considered to be acceptable as there is a reduction in overall infrastructure in the area, the colours and materials proposed are sympathetic with the existing environment and similar infrastructure on Merritts Spur. The project will not be visible from the main range or the Alpine Way’

The Department concurs with the Applicant's and NPWS assessment. The improved facilities proposed will not be visually dominant within the locality or more broadly across the Thredbo Alpine Resort area.

6.4 Other issues

The Department's consideration of other issues is provided at **Table 3**.

Table 3 | Summary of other issues raised

Issue	Assessment	Department Consideration and Recommendation
Managing construction impacts	<ul style="list-style-type: none">Staging areas are proposed within the Friday Flat bus car park (as per similar other ski infrastructure applications beforehand) and at the bottom station.Construction impacts such as noise and vibration will be short term and managed in accordance with standard environmental conditions. It is also noted that construction is likely to occur outside the ski season.A Detailed Site Environmental Management Plan (DSEMP) is provided with the Application.	<p>The Department has recommended standard construction conditions applied in the Alpine area.</p> <p>An updated DSEMP is recommended as requested by NPWS.</p> <p>Subject to compliance with these conditions, the Department is of the view that the proposed works would not impact significantly upon nearby buildings or the environment.</p>

Issue	Assessment	Department Consideration and Recommendation
	<ul style="list-style-type: none"> NPWS recommended that the DSEMP be updated to consolidate recommendations from the other reports and recommendations. NPWS also noted that DSEMP should also constitute a single document according to which the proponent's project manager, construction manager and environment officer will implement the environmental management measures throughout the project. 	
Geotechnical	<ul style="list-style-type: none"> The Applicant has provided a geotechnical investigation in support of the proposal by Asset Geotechnical Engineering Pty Ltd. The report states that the outcome of such a development would be a 'Low' risk assessed with respect to property and the risk with respect to life would be 'Acceptable'. Recommendations include that geotechnical inspections are required at footing excavations. A Form 1 'Declaration and certification made by geotechnical engineer or engineering geologist in a geotech report' was provided that seeks compliance with the geotech report' was also provided. 	<p>The Department raises no concerns with the proposal, subject to implementation of the recommendations as proposed by Asset Geotechnical Engineering Pty Ltd.</p> <p>Conditions are recommended to ensure the recommendations are implemented and also that further certification is provided throughout the construction phase in accordance with the Department's Geotechnical Policy.</p>

7 Evaluation

The Department has assessed the application, accompanying documents and the RtS in accordance with the relevant requirements of the EP&A Act, Regulations and EPIs, and has carefully considered all submissions.

The Department has considered the merits of the proposal and considers it is acceptable as:

- the proposal is permissible with consent under the Alpine SEPP
- there will not be a significant impact on any threatened species, populations or ecological communities and the natural environment and cultural values associated with KNP are protected
- replacement of the existing T-bar along the same alignment complement the surrounding setting with the works providing opportunities for improved skier movement within Thredbo Alpine Resort
- construction impacts are acceptable with the inclusion of requirements to ensure impacts are minimised
- the works are consistent with the regional plan for the locality and the Alpine SEPP and supports visitation to the ski resorts
- the recommended conditions would require construction impacts to be minimised having regard to the existing native vegetation, all disturbed areas to be rehabilitated following construction and an environmental officer to monitor construction works

The impacts of the proposal are acceptable and can be appropriately mitigated through the recommended conditions. Overall, the Department is satisfied that the proposal is suitable for the site and in the public interest. The Department therefore recommends that the application be approved subject to recommended conditions as outlined in **Appendix C**.

8 Recommendation

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

- **considers** the findings and recommendations of this report
- **accepts** and adopts all of the findings and recommendations in this report as the reasons for making the decision to grant consent to the application
- **agrees** with the key reasons for approval listed in the notice of decision
- **grants** consent for the application in respect of DA 10669, subject to the recommended conditions
- **signs** the attached Development Consent (**Appendix C**).

Prepared by:



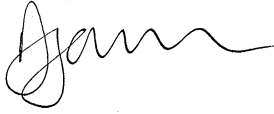
Kendall Clydsdale
Senior Planning Officer
Regional Assessments



Mark Brown
Senior Planning Officer
Alpine Resorts Team

9 Determination

The recommendation is **Adopted / ~~Not adopted~~** by:

A handwritten signature in black ink, appearing to read 'Dan', with a stylized, wavy line extending from the end.

Daniel James

Team Leader

Alpine Resorts Team

as delegate of the Minister for Planning and Public Spaces

9 September 2021

Appendices

Appendix A – List of referenced documents

The following supporting documents and supporting information to this assessment report can be found on the Department of Planning, Industry and Environment's website as follows.

1. Statement of Environmental Effects
2. Submissions
3. Response to Submissions

http://majorprojects.planning.nsw.gov.au/page/development-categories/part-4-projects/alpine-projects/?action=view_job&job_id=10669

Appendix B – Statutory Considerations

OBJECTS OF THE EP&A ACT

The objects of the EP&A Act are the underpinning principles upon which the assessment is conducted. The statutory powers in the EP&A Act (such as the power to grant consent/approval) are to be understood as powers to advance the objects of the legislation, and limits on those powers are set by reference to those objects.

Therefore, in making an assessment, the objects set out in Section 1.3 of the EP&A Act should be considered to the extent they are relevant. A response to the objects is provided in the table below.

Objects of the EP&A Act	Consideration
(a) to promote the social and economic welfare of the community and a better environment by the proper management, development, and conservation of the State's natural and other resources,	The proposal supports the ongoing use of ski infrastructure, without significant adverse impacts on the environment and will generally result in positive social and economic impacts with the locality and more broadly across the Snowy Mountains Region.
(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental, and social considerations in decision-making about environmental planning and assessment,	The proposal would not result in an unacceptable impact on the environment. Proposed mitigation measures in the design, construction and rehabilitation of impacted areas are appropriate. A detailed rehabilitation and monitoring plan, requiring NPWS endorsement, will be required to be developed prior to construction works commencing on the site.
(c) to promote the orderly and economic use and development of land,	The development proposal is replacing existing, aged infrastructure predominantly within the confines of previously disturbed land. This is considered to be an orderly and economic use of the site.
(d) to promote the delivery and maintenance of affordable housing,	Not applicable.
(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities, and their habitats,	The impacts upon the environment have been limited where possible, being located largely within the existing disturbed areas on the resort. A detailed rehabilitation and monitoring plan, requiring NPWS endorsement, will be required to be developed prior to construction works commencing on the site.
(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),	The proposed development is not likely to result in adverse impacts upon built and cultural heritage, including Aboriginal cultural heritage (refer to Section 5 and Section 6).

Objects of the EP&A Act	Consideration
(g) to promote good design and amenity of the built environment,	The Department considers that the proposal responds to its existing setting, built form of the locality, and minimises impacts upon natural environment.
(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,	The Department has recommended conditions of consent to ensure the construction of the proposal is undertaken in accordance with legislation, guidelines, policies, and procedures (refer to Appendix C).
(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,	The Department publicly exhibited the proposal (Section 5), which included consultation with government agencies and consideration of their responses.
(j) to provide increased opportunity for community participation in environmental planning and assessment.	The Department publicly exhibited the proposal (Section 5), which included notifying adjoining buildings and displaying the application on the Department's website.

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)

To satisfy the requirements of section 4.15(a)(i) of the EP&A Act, this report includes references to the provisions of the EPIs that govern the carrying out of the project and have been taken into consideration in the Department's environmental assessment.

State Environmental Planning Policy (Kosciuszko National Park – Alpine Resorts) 2007 (Alpine SEPP) is applicable to the development. Consideration of the matters to be considered is provided below:

CI 14(1) - Matters to be considered by consent authority	
(a) the aim and objectives of this policy, as set out in clause 2,	The proposal is consistent with the aim and objectives of the Alpine SEPP in that it is consistent with the principles of ESD and will generally result in positive social and economic impacts.
(b) the extent to which the development will achieve an appropriate balance between the conservation of the natural environment and any measures to mitigate environmental hazards (including geotechnical hazards, bush fires, and flooding),	The proposed development does not require undertaking any measures to mitigate environmental hazards such as flooding, bush fires or geotechnical hazards that would impact on the conservation of the natural environment.
(c) the cumulative impacts of development on existing transport, effluent management	The new lift will have a capacity of approximately 1019 people per hour utilising 35 T-bars, an improvement from approximately 740 people per hour. Whilst the

systems, waste disposal facilities or transfer facilities, and existing water supply,	proposal will result in a ski lift with increased capacity, the development is not considered to generate any significant additional visitors to the resort. Therefore, the capacity of existing waste disposal facilities, water supply and the reticulated effluent management system within the resort are considered to be adequate.
(d) any statement of environmental effects,	The SEE and information supplied are considered adequate to enable a proper assessment of the works.
(e) the character of the alpine resort,	The proposal is for the replacement of an existing T-bar ski lift and associated works on the same alignment as the existing lift. The proposal is in keeping with the established character of the locality and Thredbo Resort in general.
(f) the Geotechnical Policy – Kosciuszko Alpine Resorts,	Refer to Section 6.4 of this report.
(g) any sedimentation and erosion control measures,	Sedimentation and erosion control conditions are recommended, including the adoption of a final (and updated) Site Environmental Management Plan (SEMP). The SEMP will need to be updated to consolidate the recommendations from the Flora and Fauna assessment accompanying the DA, the existing SEMP measures and (to the extent reflected in proposed conditions of consent), NPWS recommendations prior to the commencement of works.
(h) any stormwater drainage works proposed,	Stormwater captured by the roof of the proposed bottom station building and small top station operator hut will not create any significant stormwater impacts. All collected stormwater will simply drain onto existing vegetated areas of the resort. A small drainage line is also proposed to convey water that currently flows across the surface of the lift alignment above proposed Tower 3. This line is considered appropriate and acceptable to mitigate potential impact to the footings of proposed Tower 3, NPWS also considers the drainage line acceptable.
(i) any visual impact of the proposed development, particularly when viewed from the Main Range,	Visual impacts have been addressed in Section 6.3 of this report. The proposal will also not be visually prominent from the Main Range.

(j) the extent to which the development may be connected with a significant increase in activities, outside of the ski season, in the alpine resort in which the development is proposed to be carried out	The proposed ski lift replacement is intended to only be used during the ski season and therefore will not increase activities outside the ski season. Temporary works to divert already approved mountain bike trails, whilst used outside of the ski season, are not intended to generate an increase to activities within the resort.
(k) if the development involves the installation of ski lifting facilities and a development control plan does not apply to the alpine resort— (i) the capacity of existing infrastructure facilities, and (ii) any adverse impact of the development on access to, from or in the alpine resort,	The site contains the necessary infrastructure and services to support the T-bar replacement. The proposal will not impact access to or from the resort.
(l) if the development is proposed to be carried out in Perisher Range Alpine Resort: the document entitled Perisher Range Resorts Master Plan (PRRMP) and the document entitled Perisher Blue Ski Slope Master Plan,	Not applicable.
(m) if the development is proposed to be carried out on land in a riparian corridor (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.	Not applicable.

CI 15 – Additional matters to be considered for buildings

Building Height	The proposed height of the five (5) towers at 7.16m is not excessive and will not adversely impact the visual amenity of the locality, the resort or be visually prominent from the Alpine Way. The other small-scale built form elements of the proposal are also considered acceptable.
Building Setback	The proposed development and its built form are to be largely located in the area of existing structures which will be removed as part of the proposal. There will not be any adverse open space or amenity impacts arising.

Landscaped Area

The proposal does not negatively impact existing landscaped areas, nor does it necessitate incorporation of specific landscaping elements. 0.05ha of native vegetation will be adversely impacted by the proposal which has been found as acceptable.

CI 17 – applications referred to the National Parks and Wildlife Service

The proposal was referred to the NPWS pursuant to clause 17 of the Alpine SEPP. Refer to comments received at **Section 5** and discussion on proposal at **Section 6**.

CI 26 – Heritage conservation

European heritage

The proposal will not impact on any item of European heritage.

In consideration of the applicant assessment, the proposal is seen to not have a significant impact on the values of the Australian Alps National Park, and therefore a referral to the Commonwealth is not considered to be required under the EPBC Act.

Aboriginal heritage

The NPWS advised in their referrals comments that the applicant has followed a suitable process and due diligence in determining that the proposed works are unlikely to harm Aboriginal objects.

NPWS recommends that 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.

An appropriate condition of any subsequent development consent is recommended addressing NPWS comments.

Appendix C – Recommended Instrument of Consent