

IN THE MATTER OF AN APPLICATION BY AN OBJECTOR FOR
REVIEW OF A PLANNING DECISION

P469-2024

BETWEEN: **CROSS COUNTRY SKIING ASSOCIATION VICTORIA INCORPORATED**

Applicant

AND: **ALPINE RESORTS VICTORIA TRADING AS FALLS CREEK ALPINE
RESORT**

Respondent

AND: **MINISTER FOR PLANNING**

Responsible Authority

WITNESS STATEMENT OF JAMES [REDACTED] LOUW

The Marcus Lane Group contact for this document is
Simon d'Angelo on +61 447 486 441

Marcus Lane Group
PO Box 78 Brunswick East VIC 3057

www.marcuslanegroup.com.au

WITNESS STATEMENT

I, James [REDACTED] Louw of [REDACTED] do say as follows:

A. INTRODUCTION

1. I am a recreational skier. I have skied at Falls Creek frequently since 2003.
2. I am treasurer of Cross Country Skiing Association Victoria (**the Association**), the applicant in these proceedings. I agreed to perform this role in part because of my concerns regarding the significant impact of the Lakeside redevelopment (**Proposal**).
3. In this statement, I set out the impacts on the Falls Creek trail system if the Proposal were to proceed. Annexed to my statement is a map (**Annexure A**) of what I consider to be the key impacts of the Proposal. A version of this map was provided in the Association's objection to the Proposal, and was included as 'Figure 17' to the planning officer's report dated 3 April 2024.
4. I am an assistant valuer and real estate advisory professional, based in Melbourne, with professional experience in town planning, real estate market research, valuations, due diligence, project feasibility and transaction management. I have worked closely with and for the Victorian State Government and have, through my current employer EY, undertaken multiple secondments to the land and property teams of State Government Projects, including as a Land, Planning and Environment Advisor to the North East Link Project and as a Land and Property Advisor the Level Crossings Removal Project. I have professional experience in town planning, having worked in NSW as a junior town planner. I have supported in preparing real estate valuations of Falls Creek and Mount Hotham alpine resorts for stamp duty, financial reporting and insurance replacement purposes. I have supported the preparation of expert evidence for planning and development feasibility matters to both Planning Panels Victoria and the Supreme Court of New South Wales. The opinions expressed in this Statement are my own and are not to be construed as representing my current employer.
5. In this statement, I describe the structure of the cross country trail network at Falls Creek and provide my opinion of the impact that the Proposal will have to the trail network.
6. My opinions are in part informed by my 20-plus years of skiing experience at Falls Creek, including time spent working for the Falls Creek Ski Lift Company as a ski instructor and for various private entities at Falls Creek.

B. CURRENT STRUCTURE OF TRAIL NETWORK

7. The Falls Creek Alpine Resort (**the Resort**) and the village of Falls Creek (**the Village**) are primarily supported by winter recreational tourism, mainly alpine and cross-country skiing along with other activities.
8. Cross country skiing in Falls Creek typically occurs on prepared ski trails within a defined area, both within the Resort administered by Alpine Resorts Victoria and within the adjoining Alpine National Park, administered by Parks Victoria. The trails used for cross-country skiing are identified within **Annexure B** to this Statement, '**High Plains Cross Country Trail Map**', prepared by Alpine Resorts Victoria. I downloaded this trail map from the Falls Creek resort website.¹ This trail map is in my opinion generally accurate in representing the physical extent of the cross country trail network at Falls Creek. This map identifies the 'Inner Resort', also referred to colloquially as the '**Inner Trail Network**', which includes the following trails and areas:
 - (a) High Plains Road (referred to in this statement as the Bogong High Plains Road);
 - (b) Pipeline;
 - (c) Nordic Bowl (an open, flat area, typically used as the start / finish for cross country ski races, and for cross country ski lessons and training);
 - (d) Horseyard Loop;
 - (e) Hoppet Start;
 - (f) Little Canada (which comprises a number of trails);
 - (g) The Pines (which comprises both an "upper" and "lower" trail);
 - (h) Panorama Loop;
 - (i) Little Panorama;
 - (j) Aqueduct;
 - (k) McKay Road and
 - (l) Aitkens.
9. The Inner Trail Network is primarily located on the eastern slopes of the Resort, between a part of the Village known as Windy Corner and the Rocky Valley Dam Wall. From my

¹ [Falls-Creek-Cross-Country-Trail-Map.pdf \(falls-creek.com.au\)](https://falls-creek.com.au/Falls-Creek-Cross-Country-Trail-Map.pdf)

observations, this part of the greater cross country trail network typically benefits from better snow retention than the Outer Trail Network as it is protected from the predominantly north-westerly and westerly weather patterns by the natural topography of the Resort, meaning that snow that falls in the Inner Trail Network is better retained. Snow is less susceptible to blowing away than in sections of the Outer Trail Network, and visibility is in turn better during foggy and cloudy conditions. This provides a safety benefit on snowy days, with skiers able to avoid highly exposed areas. For example, crossing the Rocky Valley Dam Wall can be a difficult experience on windy and snowy days, even for experienced skiers, while trails in other areas above the tree line are susceptible to white out conditions. The Inner Trail Network is shown on page 1 of Annexure B.

10. Specifically, the section of Bogong High Plains Road that traverses the Inner Trail Network offers generally sheltered skiing with a greater snow depth than the majority of the cross country trail network. Consequently, while the difference in elevation between the cross country trailhead at Windy Corner and the location of the Proposal at the Rocky Valley foreshore is minimal, there is a disproportionately high amount of snow retention on the section of Bogong High Plains Road between the Nordic Bowl and the Proposal site, compared to the section of Bogong High Plains Road that is outside the Inner Trail Network.
11. The Outer Trail Network includes cross country ski trails that extend beyond the Inner Trail Network, including the Sun Valley Loop, Heathy Spur, Pretty Valley Loop, and McKay Loop. Parts of the Outer Trail Network are used in longer distance cross country ski races such as the Kangaroo Hoppet, with the majority of other ski racing occurring exclusively within the Inner Trail Network. The Outer Trail Network is set out on page 2 of Annexure B.
12. The land upon which the cross country trail network exists is as follows:
 - (a) **Inner Trail Network:** Comprised of sealed and gravel trafficable roads, including Bogong High Plains Road, Pipeline Track, McKay Road, and vehicle tracks towards Sun Valley along with unformed roads, walking tracks and areas with low, dense vegetation for trails such The Pines (upper and lower), Aitkens Trail and Little Panorama.
 - (b) **Outer Trail Network:** Comprised of sealed and gravel trafficable roads, including Bogong High Plains Road (in the direction of Omeo), McKay Road, Pretty Valley Road, Ropers Aqueduct Trail, amongst others, along with unformed roads, walking tracks and areas with low, dense vegetation for trails such as the Heathy Spur Loop, Langfords Loop and Pauls Track.
13. To facilitate cross country skiing, the trails within both the inner and outer trail networks are prepared by a snow groomer, i.e., a tracked vehicle that tills, smooths and levels the snow, providing an evenly prepared surface upon which skiing can occur. For most cross country

skiers using modern, non-touring cross country skis it is not possible, or at best is very difficult, to ski on ungroomed trails in most snow conditions.

14. The variable nature of snow and weather means that the following is typically observed year-on-year at Falls Creek:
 - (a) The snow groomer is, at times during the snow season, physically unable to groom all or part of the trail network due to a lack of snow depth or snow cover, especially on the outer trail network.
 - (b) The snow groomer is, at times during the snow season, physically unable to groom all or part of the trail network due to poor snow integrity (i.e., high moisture level or recent rainfall) which could cause the snow to collapse if driven over with heavy machinery.
 - (c) Snow prepared by the groomer may deteriorate within a short timeframe post preparation due to a range of factors such as strong winds causing the formation of large snowdrifts, warm temperatures which cause the melting of snow and exposure of dirt, bitumen or vegetation, warm temperatures which cause the sinking of skiers into the snow and cause large ruts and grooves, and the destruction of the trail network by pedestrians or vehicles such as snowmobiles, which can 'churn' the snow.
 - (d) The snow groomer, even where there is sufficient snow cover and adequate weather conditions, is unable to groom the full extent of the available cross country trail network due to physical time constraints and Falls Creek's resourcing constraints. As a consequence, in a best case scenario where weather conditions and snow depths are ideal for grooming, I typically observe that the groomer will prepare approximately half of the trail network in any one 24 hour period, and the other half in the next 24 hour period, with some overlap where the groomer will prepare some or most of the inner trail network within each 24 hour period.
15. To reiterate the above, the entire extent of the cross country trail network is rarely freshly groomed and prepared at any one point in time to a level suitable to facilitate high-quality cross country skiing, and even in good weather following recent grooming the cross country trail may be negatively impacted by external factors such as pedestrians or vehicles such as snowmobiles. The whole extent of the available cross country trail network should not therefore be considered as available throughout the snow season nor on any individual day of the snow season, and the effective (i.e., the 'net') extent of the trail network is highly variable based on the abovementioned factors, and is typically, at best, only approximately 50 per cent of the total available trail network.

16. Further, due to weather conditions being less favourable outside of the Inner Trail Network, often the Outer Trail network is unable to be skied upon safely due to high winds and low visibility, compounded by the fact that there are fewer visual markers in the Outer Trail Network and that it is generally less safe in poor weather conditions than the Inner Trail Network. In addition, parts of the Outer Trail Network are rarely groomed early in the season because they require the build-up of snow pack to compress vegetation underneath.
17. Falls Creek claims that it has 60 kilometres of available cross country ski trails. This figure is referenced on page 36 of the Assessment Officer Report. The net consequence of the abovementioned points is that, while there are approximately 60 kilometres of available cross country ski trails, the full extent of these trails is not ever available, and typically only 50 per cent of the trails are groomed in any 24 hour period. This means that even with otherwise favourable conditions, the actual network availability is likely to be far lower. As Bogong High Plains Road is one of the most frequently groomed trails, and provides the skiable connection between the Falls Creek Nordic Centre/Windy Corner/Windy Corner car parks and the Nordic Bowl, where cross country lessons and cross country races start, its location is of critical importance within the trail network.
18. The trail network is in part shared by pedestrians and oversnow vehicles alongside cross country skiers, however, there are some directions to pedestrians and vehicles relating to the use of the cross country trail network that do not apply to cross country skiers, including:
 - (a) Non-skiers are directed through annotations on official maps and through limited physical signage to only access the cross country trail network using snow shoes and fat bikes (i.e., bicycles with wide tyres suitable for use in snow) along a limited number of trails only, namely the Aqueduct Trail, Pipeline trail, the dam wall, Lower Dam Wall and Ropers Trail (each shown on Annexure B). In practice, this is poorly observed, and there is mixing of walkers and skiers in particular along the Aqueduct and within the Nordic Bowl, close to the Village.
 - (b) Oversnow vehicles, in particular snowmobiles that services the alpine resort, are directed to keep to dedicated snowmobile trails that cross into the cross country trail network at limited points. In practice this is well adhered to.
 - (c) Snowmobiles that serve other purposes, for example, scenic tours, SES, police and AGL will use a wide variety of cross country trails as permitted by Falls Creek Alpine Resort. Compliance with official rules is variable and has been the cause of friction between cross country skiers and other trail users in recent years.

C. BOGONG HIGH PLAINS ROAD AS A KEY CROSS COUNTRY SKI TRAIL

19. Bogong High Plains Road (identified as 'High Plains Road' in Annexure B), is the primary road connecting the Kiewa Valley and the Omeo Valley, via Falls Creek. However, it has historically

been closed to road vehicles during the winter season between Windy Corner and Trapyard Gap in Bundara, in part to enable its use as a groomed cross country ski trail between Windy Corner and Cope Hut. This is consistent with other trafficable roads that exist within the Inner Trail Network and Outer Trail Networks, such as McKay Road and Pretty Valley Road, both of which are closed to allow cross country skiers and alpine skiers to use it as a ski trail.

20. This closure and the use of Bogong High Plains Road as a ski trail is referenced in Falls Creek alpine resort's Annual Reports, published by the former Falls Creek Resort Management (now Alpine Resorts Victoria). I provide an extract from each of the publicly available annual reports below:

- (a) **2017 Falls Creek Annual Report (Annexure C)** : “The Bogong High Plains Road between Falls Creek and the Omeo valley is not cleared of snow throughout the season, enabling its use as a key cross-country ski trail. In 2017 the road was closed to vehicles from 1st June until 10th November due to substantial snow drifts and repair works being undertaken on the road post season.”
- (b) **2018 Falls Creek Annual Report (Annexure D)**: “The Bogong High Plains Road between Falls Creek and the Omeo Valley is not cleared of snow throughout the season, enabling its use as a key cross-country ski trail. In 2018, the road was closed to vehicles from 11th June until 2nd November due to substantial snow drifts and repair works being undertaken on the road post season.”
- (c) **2019 Falls Creek Annual Report (Annexure E)**: “The Bogong High Plains Road between Falls Creek and the Omeo Valley is not cleared of snow throughout the season, enabling its use as a key cross-country ski trail. In 2019, the road was closed to vehicles from 1st June until 31st October due to substantial snow drifts and repair works being undertaken on the road post season.”
- (d) **2020 Falls Creek Annual Report (Annexure F)**: “The Bogong High Plains Road between Falls Creek and the Omeo Valley is not cleared of snow throughout the season, enabling its use as a key cross-country ski trail. In 2020, the road was closed to vehicles from 25th May until 22nd October due to substantial snow drifts and repair works being undertaken on the road post season.”
- (e) **2021 Falls Creek Annual Report (Annexure G)**: “The Bogong High Plains Road between Falls Creek and the Omeo Valley is not cleared of snow throughout the season, enabling its use as a key cross-country ski trail. In 2021, the road was closed to vehicles from June 7 until October 29 due to substantial snowdrifts and repair works being undertaken on the road post season.”
- (f) **2022 Falls Creek Annual Report (Annexure H)**: “The Bogong High Plains Road between Falls Creek and the Omeo Valley is not cleared of snow throughout the

season, enabling its use as a key cross-country ski trail. In 2022, the road was closed to vehicles from 30th May.”

21. I refer to a Statement from the Board of the former Falls Creek Resort Management, who, on 28 July 2022, stated the following with respect to the impact of the Proposal on existing cross country trails (**Annexure I**)²:

“Full all-year-round activation of the redeveloped ANARE shed would likely require the removal of snow from the key access road which provides transport to the Lakeside Precinct. This road currently forms the base of part of the cross country trail network.”

22. The annual reports referenced above indicate two key positions of Alpine Resorts Victoria:

- (a) firstly, that Bogong High Plains Road between Falls Creek and the Omeo Valley is a key cross country ski trail; and
- (b) secondly, that the portion of Bogong High Plains Road between Falls Creek and the Omeo Valley, specifically from Windy Corner at its northern-most extent, is closed typically between May-June and October-November each year to enable its use as a cross country ski trail.

23. Bogong High Plains Road does in fact offer greater utility to cross country skiers compared to other trails in the cross country trail network. Specifically, the section of the Bogong High Plains Road that exists within the Inner Trail Network that is at risk of being cleared in snow in winter to enable access to the ANARE Shed and car park:

- (a) is a key arterial cross country skiing trail, and is intersected by a number of other trails in the Inner Trail Network, meaning that it is often used to link other trails within race courses that are facilitated at Falls Creek;
- (b) is one of the most frequently groomed trails, and provides the skiable connection between the Falls Creek Nordic Centre/Windy Corner/Windy Corner car parks and the Nordic Bowl, where cross country lessons and cross country races start;
- (c) forms part of the Kangaroo Hoppet course, an internationally renowned cross country ski event which typically attracts over 1,000 skiers each year³.
- (d) is substantially wider than many of the other trails in the Inner Trail Network, allowing it to be used safely for ski lessons and the movement of large groups of skiers, such as school groups; and,

² Available at <https://corporate.falls creek.com.au/2022/07/28/statement-from-the-board-lakeside-project/>

³ See <https://www.hoppet.com.au/about-the-hoppet/>

(e) provides skiable access between the broader cross country trail network and the Alpine National Park with the Village and the Falls Creek Nordic Centre.

24. There is no practical reason why the section of Bogong High Plains Road that is included within the cross country trail network should be considered as any less of a cross country ski trail in comparison to other trails within the cross country trail network. In fact, Bogong High Plains is a major skier route, and to cross country skiers, it forms the primary ski trail in the cross country trail network.

25. Whether or not formal designation of the Bogong High Plains Road as cross country ski trail exists (and I am not aware of any formal designations for the ski trails at Falls Creek) it is clear to me that Bogong High Plains is a formal ski trail, and having regard to its function as one of the widest and most used trails in the Inner Trail Network, is a major skier route.

D. ACCESSIBILITY OF BOGONG HIGH PLAINS ROAD AND THE TRAIL NETWORK

26. Within this section of my statement I describe the elements of the broader cross country trail network that I consider relevant in providing context to the unique amenity and utility that Bogong High Plains Road provides to the cross country trail network.

27. **Accessibility from the Village:** The cross country trail network is accessible from the Village from various points, namely, Parallel Street, Schuss Street (via Ory's Trail), the Village Bowl (via the Aqueduct trail), and Snowgum Lane, via Wombats Ramble. To access the Nordic Bowl via any of these entry points requires crossing or traversing Bogong High Plains Road (having regard to the "downhill-only" designation of the steep Aitken's Trail, which would otherwise present a considerable challenge to all but advanced skiers).

28. **Accessibility from the Falls Creek Nordic Centre:** The Falls Creek Nordic Centre is the base for the majority of day skiers, school groups and lessons and is used by both cross country skiers, alpine skiers and tobogganers. The Nordic Centre is located at the edge of the Village, at Windy Corner. Its location is at the terminus of the section of Bogong High Plains Road that is not cleared of snow in winter, with Bogong High Plains Road affording access to the cross country ski trail network from the Falls Creek Nordic Centre. I describe the Nordic Centre as follows:

(a) the Nordic Centre physically comprises a low-rise timber building which includes public restrooms, a public day shelter, a small café and a cross country ski hire and shop and toboggan hire. The Falls Creek Nordic Centre is also the location from where cross country group and private lessons depart;

(b) the Nordic Centre is a key point for school groups and other large groups to depart from, given its position next to the road and car park which allows for bus parking and its day shelter provides a useful facility for large groups departing on day or

multi-day trips to meet, pack gear, and prepare for an outing in a sheltered environment with appropriate supporting facilities; and

(c) the Nordic Centre is:

- (i) accessible from other parts of the Village via a shuttle bus;
- (ii) adjoins a large day car park;
- (iii) is accessible via skis from Wombats Ramble ski trail (in the alpine resort); and
- (iv) is accessible via skis from the cross country ski trails including the Aqueduct Trail and Bogong High Plains Road. Access to skiers via the Aqueduct Trail is challenging due to the steep hill behind the Nordic Centre, however.

29. The Birkebeiner Nordic Ski Club has its clubhouse on Bogong High Plains Road, immediately south of the Nordic Centre. Skiers access it by walking a short distance from Windy Corner, or by skiing on the same, short section of Bogong High Plains Road. It is not possible to access Birkebeiner Nordic Ski Club by foot or by other than on Bogong High Plains Road, compared with Windy Corner which has some limited alternative access.

E. IMPACT OF PROPOSAL ON NETWORK

30. The Proposal is one which has been stated to allow four-season “activation” of the Lakeside Precinct. It interacts to the prejudice of the cross country trail network, particularly the extent of Bogong High Plains Road that would need to be cleared to facilitate vehicular access.

31. The Respondent, within their application, identifies its view on snow clearing as follows:

“Clearing of the Bogong High Plains Road may be undertaken as needed by the ARV(no permit required). The ARV are responsible for clearing roads to ensure they remain safe and accessible for all users. The road is currently cleared by the ARV and should the permit be activated, the frequency of the road clearance is likely to increase”.

32. This statement is incorrect, or is misleading. It is very rare for ARV to clear Bogong High Plains Road of snow between Falls Creek (Windy Corner) and the Omeo Valley during the declared snow season. This is consistent with the Falls Creek Annual reports as set out in paragraph 20 above. Instead, ARV only clears the Bogong High Plains Road in between Windy Corner and Mount Beauty (ie the road to the north of Windy Corner) of snow during the declared snow season.

33. This section of my statement summarises the impact of the Proposal on the cross country trail network.

34. **Loss of the sheltered Bogong High Plains Road:** first, Bogong High Plains Road is the main arterial ski trail within the cross country trail network and is one of few double-width trails, making it perfect for beginners, for hosting ski lessons and for school groups. It provides sheltered, safe skiing throughout winter – a rarity in the often harsh alpine environment, and apart from the more exposed section immediately above Windy Corner, is relatively snow-sure, as described above. Clearing of Bogong High Plains road would greatly diminish the amount of skiable terrain suitable for beginners. By reason of the matters discussed in part B of my statement, the impact of 1.2km of road clearing is far greater than an ‘on-paper’ loss of 2% of the total trail network.
35. **Loss of skiable access to the Falls Creek village, Windy Corner, the Falls Creek Nordic Centre and Birkebeiner Nordic Ski Club:** second, clearing the Bogong High Plains Road of snow in winter will sever skiable access between the broader cross country trail network, the Village and the Falls Creek Nordic Centre at Windy Corner. The Nordic Centre hosts the only on-mountain cross country ski hire shop, it is the home of the Australian XC Ski Team and the home base for cross country skiing lessons. The Nordic Centre also hosts a public day shelter and café, heavily utilised by both alpine and cross country skiers and families using the adjacent toboggan slope. A cleared road will force the mixing of skiers, pedestrians and cars on a winding, steep and narrow stretch of road. Birkebeiner Nordic Ski Club members, who overwhelmingly hail from the local community, will also lose reasonable access to the trail network, particularly given that pedestrians will not be permitted to walk on the cleared road.
36. **Loss of a range of intersecting trails that are key for training and supporting racing loops:** third, clearing the Bogong High Plains Road will force a number of key intersecting trails into redundancy, and the ability to run races that meet international standards which deliver tourism and visitation benefits to Falls Creek will more than likely be lost. This includes redundancy of all or part of the following trails:
- (a) Horseyard Loop
 - (b) Little Panorama
 - (c) Little Canada
 - (d) McKay Road
 - (e) Panorama Loop
 - (f) Horseyard Loop
 - (g) Hoppet Start
 - (h) Aqueduct Trail

37. The map at Annexure A demonstrates the impact on the Inner Trail Network, in particular where existing trails will be cut off. In many instances, it will not be feasible to use the trails where they lose their direct connection via Bogong High Plains Road. It is a time-consuming and sometimes difficult process to remove skis from bindings, particularly when there is fresh snow or for beginner skiers, meaning skiers will be unlikely to want to ski on trails which require frequent road crossings.
38. **Additional trail impacts:** As part of the Proposal, the Respondent identified possible alternative trail arrangements in the vicinity of the ANARE Shed. This included the provision of a re-directed portion of the 'Panorama Loop' trail abutting the proposed car park. If the car park were to be cleared for vehicles during the snow season, that it is highly likely that snow will be pushed onto this ski trail. In my opinion, as a consequence of the re-aligned ski trail abutting the proposed car park at grade, there is a very high likelihood that contaminated snow (i.e., snow with gravel, dirt and bitumen) will be pushed onto the re-aligned ski trail. Contaminants may additionally travel onto the re-aligned ski trail by spraying from vehicles. These contaminants can cause damage to skis, and to the integrity of the snow upon the trails.
39. I do not consider that the impact of clearing of 1.2km of Bogong High Plains Road, plus a section of Panorama Trail for the carpark, can be accurately described as only a 2% loss of the trail network (being 2% of 60 kilometres). In practice, as set out in paragraph 17 of my statement, the loss to the network is far greater. Both the main inner trail and numerous connecting trails will be removed or severely affected, causing loss of network connectivity and sheltered ski opportunities, discussed above in my statement. The impact would be large, tragic for the cross country ski community and, in my view as a regular visitor to the resort, unacceptable.
40. I have been provided with a number of photos from September 2022, which were taken by a member of the Association. They provide an illustration of the undesirability of close proximity between vehicles and cross-country skiers. Figure 1 shows the Aqueduct Trail as it approaches the Bogong High Plains Road intersection. At the time the road was cleared, access was permitted to authorised vehicles only, rather than the general public. In my view, such an interface between skiers and vehicles is highly undesirable, particularly where the road is on a substantial slope and exposed to icy conditions.

Figure 1: Aqueduct and Bogong High Plains Road Crossing



41. The below photo at Figure 2 is shows that even when pedestrians are not permitted on a road, it is likely they will use it. Further, high snow banks reduce the ability for cars to safely pass each other. Richard Rodd, who is known to me personally, was catastrophically injured on this section of the road in a cycling crash.

Figure 2: Bogong High Plains Road above Aqueduct Intersection



42. The photo at Figure 3 shows how Falls Creek sought to allow for both vehicle and skier traffic, side-by-side. I am not aware of any barrier installation planned for this site. However, it is clear that there is not enough shoulder width for a major ski trail: in the photo the road has not been completely cleared, and any buffer zone between skiers and cars would reduce the available terrain for skiers. It can also be seen that the snow is dirty due to its proximity to the road. However, the snow is much less dirty than is to be expected with public vehicle traffic, given the low traffic volumes present at the time.
43. The photo also shows the Kangaroo Hoppet course less than 100 metres after the start line. The trail shown is barely wide enough for a downhill skier to pass an uphill skier, let alone for any race to take place.

Figure 3: Bogong High Plains Road, South of Hoppet Start



44. The below photo at Figure 4 shows the descent immediately after the Hoppet Start. Skiers currently descend this hill (using the full road width) and then take the right fork onto the site of the current-day car park.

Figure 4: Bogong High Plains Road, the carpark for the Proposal seen back right



45. The below photo at Figure 5 is an example of one of the side-trails which will be less impacted by road clearing than some others. In this case, the trail crosses onto an existing ski trail on the other side of the road. Skiers moving towards the camera in the centre-right of the photo would be moving at speed on the downhill, and would be forced to brake to avoid the road. They would then need to take skis off, cross the road (not an easy feat in ski boots) and put skis on again. The trail is short so the existence of the crossing is likely to deter the majority of skiers from using it. I say that this is a “less impacted” trail, because other trails would end on the cleared road without the ability to cross the road and connect to another trail on the other side.

Figure 5: Little Panorama crossing of Bogong High Plains Road, at top of Hoppet Start



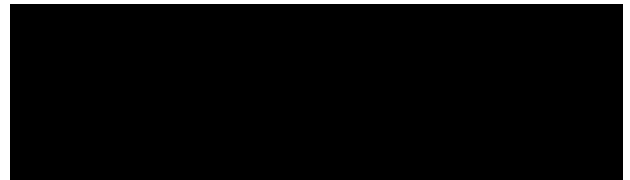
46. The below Figure 6 is a photograph I took in August 2024. It shows an ambulance that had partially slid off Bogong High Plains Road approximately 200 metres south of Windy Corner. The photograph was taken during a period of low snow cover, however, the snow cover had obscured vision of the 'edge' of the road, and the open drain beside the road. The ambulance had slid into the drain, while the paramedics staffing the ambulance were on duty, and took significant time and community effort to push the ambulance back onto the road.

Figure 6: Ambulance on Bogong High Plains Road, South of Windy Corner



47. Annexure J is a full compendium of photos taken of the cleared Bogon High Plains Road. The clearing of the road as shown in these photos (and in figures 1 – 5) is a very rare event and I can only recall it occurring once since 2003, I also recall that the clearing was undertaken to facilitate the renovation and construction of the Rocky Valley Dam boat ramp.

The evidence contained in this witness statement is true to the best of my knowledge and belief.



James Louw

Dated: 24 September 2024

Place: Melbourne, Victoria