



Mr Mark Brown
Senior Planning Officer
Alpine Resorts Team
Department of Planning, Industry and Environment
Jindabyne NSW 2627

Our reference: DOC19/769843
EF18/4301
SF19/85076

Dear Mark,

MOD Referral – Merritts Chairlift Replacement, Thredbo MOD 10059 (DA 9130 MOD 1)

I refer to the above development application (DA) modification forwarded to the National Parks and Wildlife Service (NPWS) for provision of comments in accordance with *State Environmental Planning Policy (Kosciuszko National Park - Alpine Resorts) 2007* (SEPP). In providing these comments consideration has been had to the *National Parks and Wildlife Act 1974*, the *Kosciuszko Plan of Management (2006)* and the *Biodiversity Conservation Act 2016* (BC Act) and any other applicable legislation.

I confirm that NPWS provided referral comments on 21 March 2018 and 13 August 2018 for the original DA: DA 9130. At the time of the submission of the initial DA, the BC Act was not in force. NPWS has consulted with the Conservation and Regional Delivery Team (CARD) of The Department of Planning, Industry and Environment (DPIE) on this DA and modification and I raise the following key concerns which should be addressed by Planning and Assessment before further consideration of the modification (under point 1):

1. Further consideration matters

- 1.1 Whether the modification is of minimal environmental impact in accordance with section 4.55(1A) of the EPA Act. This is due to the size of the vegetation clearing in the modification (estimated minimum 500m² - quantitative) and that some of this vegetation is habitat for a threatened species (Broad-tooth rat habitat - qualitative) and as a result may not be considered to be very small or negligible.
- 1.2 Whether there has been appropriate consideration of the BC Act by the proponent in the modification, including:
 - (i) demonstration that the clearing threshold for native vegetation has not been reached from all development impacts including both the original DA and modification (refer section 7.17(2a), BC Act). All calculations should be as per the BC Act and the Biodiversity Assessment Method;
 - (ii) demonstration that development is not likely to significantly affect threatened species or ecological communities, or their habitats through the Test of Significance (ToS) (refer sections 7.2(1)(a) and 7.3, BC Act). Especially given there is clearing of vegetation in a threatened species habitat (mapped area and also scats found during onsite inspections). In addition, the ToS should consider all development impacts to threatened species from both the original DA and the modification; and
 - (iii) that clearing of native vegetation is listed in Schedule 4 as a Key Threatening Processes (KTP) of the BC Act and is a KTP for the Broad-tooth Rat and thus should be addressed in the ToS. Of importance is to consider if the activity is likely to increase the impact of a key threatening process (refer section 7.3(1)(e), BC Act).

These above considerations should be considered by Planning and Assessment in the first instance. However, as a matter of efficiency, I provide the following general referral comments for the modification.

2. Leasing and Plan of Management

- 2.1 NPWS Property and Commercial Team have advised that the works proposed are a permissible under the Head Lease held by Kosciuszko Thredbo Pty Ltd. The requirement for lessor's consent under the Head lease will be considered separately.
- 2.2 The relevant provisions of the KNP Plan of Management have been considered and it is determined the proposed works fit within the management objectives for section 10.2 (Alpine Resorts Management Units), section 10.4 (Thredbo Management Unit), section 11.6 (Environmental Quality) and chapter 8 (Recreation) as long as it is demonstrated that the proposed development is not likely to significantly affect threatened species as per the BC Act.

3. Impacts to Flora and Fauna

- 3.1 The modification report states that the 'modified design includes an increased setback between the chair shed and the mid-station to accommodate a 6m wide grooming machine'. NPWS outlined in its original DA referral comments that the biggest impacts from this development will be from the mid-station and carrier shed, however there are now additional impacts. NPWS initially supported the retention of the trees and vegetation, now proposed for removal for the mid-station design modification, as they would have provided additional screening of the development and would have left a small amount of broad-tooth rat habitat that could have been used as a refuge. We note that both the reasoning and alternative options have not been supplied with the application and therefore I recommend the following:
- (i) that the proponent provides reasoning for the design change, and the requirement for a 6m grooming machine, that has led to an increase in vegetation disturbance;
 - (ii) consideration of alternative options such as use of a smaller grooming machine as owned by KT; and
 - (iii) consideration of installing a fauna crossing in this area to minimise and mitigate some of the impacts of this additional vegetation removal on the Broad-tooth Rat habitat and provide connectivity between suitable habitats (refer section 7.13(6), BC Act).
- 3.2 The use of an excavator rather than a rubber tracked excavator will also increase native vegetation impacts under the lift line. Whilst the area under the lift line is previously disturbed it is still considered to have biodiversity values due to the good condition of the native vegetation, the ongoing improvement of this vegetation due to some areas being an offset area and as Broad-tooth rat scats have been found in this vegetation. This disturbance must be rehabilitated and should not become an ongoing access track.
- 3.3 All recommendations for minimising impacts to flora and fauna as outline in our letters to the Department dated 21 March 2018 and 13 August 2018 are still relevant.

4. Aboriginal Cultural Heritage

- 4.1 We note that the existing Aboriginal Cultural Heritage report for DA 9130 does not cover all areas where additional ground disturbance is proposed to occur. In addition, the Aboriginal Cultural Heritage assessment for the Merritts Mountain House DA (DA 9757) does not appear to cover the services trenching for the ski patrol hut and thus this trenching has not been assessed for potential impacts to Aboriginal Cultural Heritage. We also note the comment in both the Gondola and Merritts Mountain house redevelopment Aboriginal Cultural Heritage Due Diligence Assessments that state "Further archaeological assessment would be required if the proposal activity extends beyond the area of the current investigation" (Past Traces, 2018).

- 4.2 We also note that AHIMS searches are only current for 12 months.
- 4.3 We recommend that further information is provided to cover the additional ground disturbance works such as the increase native vegetation removal and the trenching.

5. Plumbing and drainage.

5.1 NPWS is the delegated plumbing regulator in Kosciuszko National Park in accordance with the *Plumbing and Drainage Act 2011*. This includes the resort areas of Thredbo, Selwyn, Charlotte Pass and the Perisher Range.

5.2 As a matter of regulatory compliance under the Plumbing and Drainage Act, we provide the following comment:

- (i) All plumbing and drainage work carried out must comply with the Plumbing Code of Australia and Australian Standard AS/NZS 3500.
- (ii) All plumbing and drainage work must be completed by a person holding a NSW licence, qualified supervisor certificate or tradesperson certificate.
- (iii) The following documents must be submitted by the plumber and drainer to the NPWS Perisher Team, for any plumbing works, at the required stages of work:
 - Notice of Work before work commences.
 - Certificate of Compliance (CoC) and Sewer Service Diagram (SSD) on completion of works.

More information can be found at the following website:

<https://www.environment.nsw.gov.au/topics/parks-reserves-and-protected-areas/park-management/alpine-resort-management/our-services/plumbing-and-drainage>

If you have any further enquires please contact the Assessment Coordinator, Bec Owen on 02 6450 5543.

Yours sincerely



Mick Pettitt
Director
Southern Ranges Branch
6 September 2019

