



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

Our reference: DOC19/794356
EF19/26368

Dear Mark,

DA Referral – Redevelopment, Black Bear Inn, Thredbo DA 10064

I refer to the above development application (DA) 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* (PoM) and the *Biodiversity Conservation Act 2016* (BC Act) and any other applicable legislation.

I understand that the site has an approved and activated DA (DA 33-7-2007) to knock down the existing lodge and to rebuild as apartments and note that this DA (DA 10064) proposes changes to the design and layout of the new apartment building.

Accordingly, I suggest that the following should be considered by the Department of Planning, Industry and Environment (DPIE) in its assessment.

1. Leasing and KNP Plan of Management

- 1.1 OEH's Property and Commercial Team have advised that the works proposed are a permissible under the Head Lease held by Kosciuszko Thredbo Pty Ltd.
- 1.2 The relevant provisions of the KNP Plan of Management have been considered and it is determined the works fit within the management objectives for section 10.4 (Thredbo Management Unit), section 11.6 (Environmental Quality) and chapter 8 (Recreation).
- 1.3 Under section 10.2.1 (13) of the POM, NPWS must consider the potential impact of development on the safety of visitors to the management unit or other parts of the park. We note the following safety concerns:
 - (i) Potential for increased shading on Diggings Terrace which may result in ice on the road for longer;
 - (ii) That the carpark will have a sharp turn into it, that Diggings Terrace narrows around Black Bear and that the potential angle of the access ramp may all have safety issues. NPWS support the inclusion of carparking for the development to ease pressures on existing carparks as long as the development does not create additional safety aspect on Diggings Terrace or through the access ramp;
 - (iii) The potential for construction to restrict traffic flow on Diggings Terrace. If Diggings Terrace is shut at any stage, then an alternative exit route must always be available nothing that traffic can not exit through Bobuck Lane as it is one-way.
- 1.4 We note that the proponent has requested construction hours of 7am-6pm, seven days a week. Extended construction hours have the potential to impact on other park guests, especially the weekend hours.

2. BC Act

- 2.1 Consideration by the proponent of the BC Act has been demonstrated and NPWS concurs that this development does not trigger the Biodiversity Offset Scheme and is not likely to significantly affect threatened species as the development does not impact on any threatened species or their habitats.

3. Minimising impacts to natural values

- 3.1 In order to assist in minimising any impacts of the proposed development NPWS recommends the following measures.
- (i) All vegetation required for removal must be clearly marked.
 - (ii) To minimise weed vectors and other quarantine issues, all machinery used during construction must be cleaned prior to entry into the park to ensure the machinery is free of mud and vegetative propagules.
 - (iii) All stockpile sites, including materials storage areas, parking and waste management (skip bins) must not impact on native vegetation.
 - (iv) All waste management receptors must be able to be covered to ensure waste cannot blow away or must be emptied or removed from site each day.
 - (v) Erosion and sediment control measures must be regularly checked and maintained.
 - (vi) All straw bales used for sediment and erosion control must be certified as weed free.
 - (vii) Imported gravel/materials must be free from weeds and pathogens and the use of soil stabilising agents is not permitted without NPWS endorsement.
 - (viii) Fill material should not be imported from outside of Kosciuszko National Park.
- 3.2 We note that the 2007 DA did not include any impacts to native vegetation (page 22 NGH SEE May 2007) whereas this DA requires the removal of numerous Eucalyptus Sapling trees. The removal of these regrowth saplings is considered to be acceptable for the development and especially with the submission of the landscape plan. The removal should only extend to the trees that are within the Black Bear lease area.
- 3.3 NPWS support the removal of the exotic vegetation as proposed in the DA.
- 3.4 I note that remnant birds' nest were observed onsite and that new nests could be built prior to tree removal. Prior to the removal of any vegetation (exotic or native), all vegetation must be checked for fauna habitats and fauna. Vegetation with active nests or habitats should not be removed until the young have left the nest/habitat. If fauna is present, then the applicant must contact NPWS to assist with mitigation actions.
- 3.5 All vegetation must be checked for fauna occupation and nests in particular. If active nests, or other fauna habitats, are located then vegetation removal cannot occur until the young have left the nest. I note that remnant birds' nest were observed onsite and that new nests could be built prior to tree removal.
- 3.6 The recommendations in the letter from Alpine Flora are considered to be appropriate for the site and supported by NPWS.

4. Aboriginal Cultural Heritage

- 4.1 The Aboriginal Cultural Heritage Assessment has followed a suitable process and due diligence in determining that the proposed works are unlikely to harm Aboriginal objects has been demonstrated.

4.2 However, should any Aboriginal objects be uncovered during construction, any works impacting the objects must cease immediately and the NPWS contacted for assessment of the site.

5. UPSS removal

5.1 I note that DA 33-7-2007 has commenced due to the removal of the UPSS tank and that a validation report was produced in May 2013.

5.2 The current NPWS UPSS register for Thredbo, provided by Kosciuszko Thredbo, states that there is potential for a UPSS to still exist under the Black Bear carpark on Diggings Terrace as the "Ampol" flush point cover is located in the current carpark surface. We request confirmation that there are no additional UPSS at the construction site.

6. Plumbing and Drainage

6.1 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. Therefore, 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>

7. Stormwater

7.1 The proposed Stormwater management appears appropriate. The catchment area is similar in size to the catchment area approved under DA 33-7-2007 and therefore runoff volumes are not likely to increase significantly. As most runoff will be generated from relatively clear areas (roof) and directed to the existing stormwater system there is not likely to be any water quality issues.

7.2 Potential issues with water pooling should be considered by the proponent.

8. Food Act

8.1 We note that the proposed restaurant fit out will be subject to a separate DA and will require compliance with the *Food Act 2003* and the Australian New Zealand Food Standards Code.

9. Public Health

9.1 The following recommendations are provided to address compliance with the *Public Health Act 2010*:

- (i) If a public spa, as defined under the Public Health Act, is to be installed on the premises, then the NPWS Environmental Health Officer must be advised in writing prior to the installation.

10. Other matters

10.1 I note that NPWS has also considered the following matters in its assessment:

- (i) That Black Bear Inn is not considered to be heritage listed under the Alpine SEPP, however it is now listed on the NPWS Historic Heritage Information Management System due to its age and the identified heritage values (Clive Lucas, Stapleton and Partners Pty. Ltd., 1997).
- (ii) That the development may have impacts to neighbouring lodges including views and loss of passive solar heating.
- (iii) The large number of public objections received.

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
23 September 2019