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STATEMENT OF ENVIRONMENTAL EFFECTS

COMMUNICATIONS HUT EAGLES NEST, THREDBO



NOVEMBER 2010
Project: 02-10

Dabyne Planning Pty Ltd

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COMMUNICATIONS HUT EAGLES NEST, THREDBO

This report has been prepared by:



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CONTENTS

1	Introduction	2
1.1	Executive Summary	2
1.2	Background	2
2	The Site and Locality	4
2.1	Locality	4
2.2	The Site	5
3	Description of the Development	7
3.1	Purpose of the Development	7
3.2	Site Analysis	7
3.3	General Description	8
3.4	Access	11
4	Key Matters for Consideration	13
4.1	Fauna and Flora	13
4.2	Aboriginal Cultural Heritage	13
4.3	Visual Impacts	14
5	Environmental and Planning Legislation	16
5.1	Environmental Planning and Assessment Act, 1979	16
5.1.1	Section 79C(1)(a)(i) – Environmental Planning Instruments	16
5.1.2	Section 79C(1)(a)(ii) – Draft Environmental Planning Instruments	19
5.1.3	Section 79C(1)(a)(iii) – Development Control Plans	19
5.1.4	Section 79C(1)(a)(iiiia) – Planning Agreements	19
5.1.5	Section 79C(1)(a)(iv) – Regulations	19
5.1.6	Section 79C(1)(b) – Likely Impacts	19
5.1.7	Section 79C(1)(c) – Suitability of the Site	20
5.1.8	Section 79C(1)(d) – Submissions	20
5.1.9	Section 79C(1)(e) – Public Interest	20
5.2	National Parks and Wildlife Act, 1974	21
5.3	Threatened Species and Conservation Act, 1995	21
5.4	Environment Protection and Biodiversity Act, 1999	21
5.4.1	National Heritage Listing	22
6	Conclusion	24
	APPENDIX A Photographs	
	APPENDIX B Fauna and Flora Assessment	
	APPENDIX C Correspondence from the Eden Local Aboriginal Land Council	

1. INTRODUCTION

1.1 Executive Summary

Dabyne Planning Pty Ltd has been engaged by Kosciuszko Thredbo Pty Ltd to prepare a Statement of Environmental Effects to accompany a Development Application (DA) to the NSW Department of Planning.

The proposal is for a new communications hut located at Eagles Nest, Thredbo.

The new communications hut will incorporate all the telecommunications equipment currently located within the Eagles Nest building as well as a storage area for ski slope equipment and refuge area for Ski Patrol. The construction of the hut will require the excavation of a trench and installation of services including communications cabling, electricity, water and sewer.

A detailed description of the proposal is provided in Section 3 of the report.

The purpose of this SEE is to:

- describe the land to which the DA relates.
- describe the form of the proposed works.
- define the statutory planning framework within which the DA is to be assessed and determined; and
- assess the proposed development against the matters for consideration listed under Section 79C(1) of the Environmental Planning and Assessment Act, 1979 (EP&A Act, 1979).

The report has been prepared in accordance with the requirements of Schedule 1 of the Environmental Planning and Assessment Regulations 2000.

1.2 Background

The Eagles Nest site located at the top of the Kosciuszko Express Chairlift is an important site providing all of the telecommunications and radio facilities for Thredbo Village and the surrounding region including the Alpine Way (parts of) and areas towards the Main Range including the Summit Walk to Mount Kosciuszko.

The site currently hosts multiple communication users including:

- National Transmission Authority (ABC Radio and Radio National)
- Television Networks (including Ten Capital Television, Prime Television, WIN Television, ABC Television and SBS Television)
- Radio Snowy Mountains
- Telecommunication carriers (including Vodafone, Optus, Telstra and 3)
- Emergency Service Authorities (including NSW Fire Brigade, NSW Ambulance Service, NSW Police Service)
- NPWS, Pay TV providers, etc

The site includes an array of towers, aerials, satellite dishes and associated antennae located to the east of the Eagles Nest building on a rocky outcrop.

In 1999 an Activity Approval (AA 99/A.8) and Consent to Erect a Structure were granted by NPWS for a Communications Hut at Eagles Nest. The objective of this development was to provide a formalised facility for communication users currently located in the Eagles Nest building.

As part of this approval, NPWS included a condition of approval that required a Site Rationalisation Plan be prepared. This was required for the anticipated remaining stages of the project that included a rationalisation of towers and antennae located at the site.

A site rationalisation plan was prepared by Total Communication Infrastructure P/L in January 2001 on behalf of Vodafone, labelled *'Discussion Paper, Options for Thredbo Mobile Carrier Facility'*.

This plan included 5 options for the proposed rationalisation. These options included a 35m internal climb steel monopole, 11m tall observation tower, twin monopoles with headframe (8m high x 3m wide), three monopoles without headframes (each 8m tall) and three steel monopoles (each 8m tall).

The preferred option put forward was for three 8 metre monopoles (400mm in diameter) of concrete construction. The approval included the installation of cables and foot access between the new structures and the new communications hut.

The approval was never enacted upon for either the new monopoles or the communications hut. This was mainly due to the inability of the telecommunication carriers and other communications providers to agree on the co-location of their equipment both for the antennae's and within the hut.

2. THE SITE AND LOCALITY

2.1 Locality

The subject site is located within the Thredbo Alpine Resort, approximately 35kms from Jindabyne. Access to the resort is achieved via the Alpine Way.

The location of Thredbo is illustrated in context with the regional locality below:

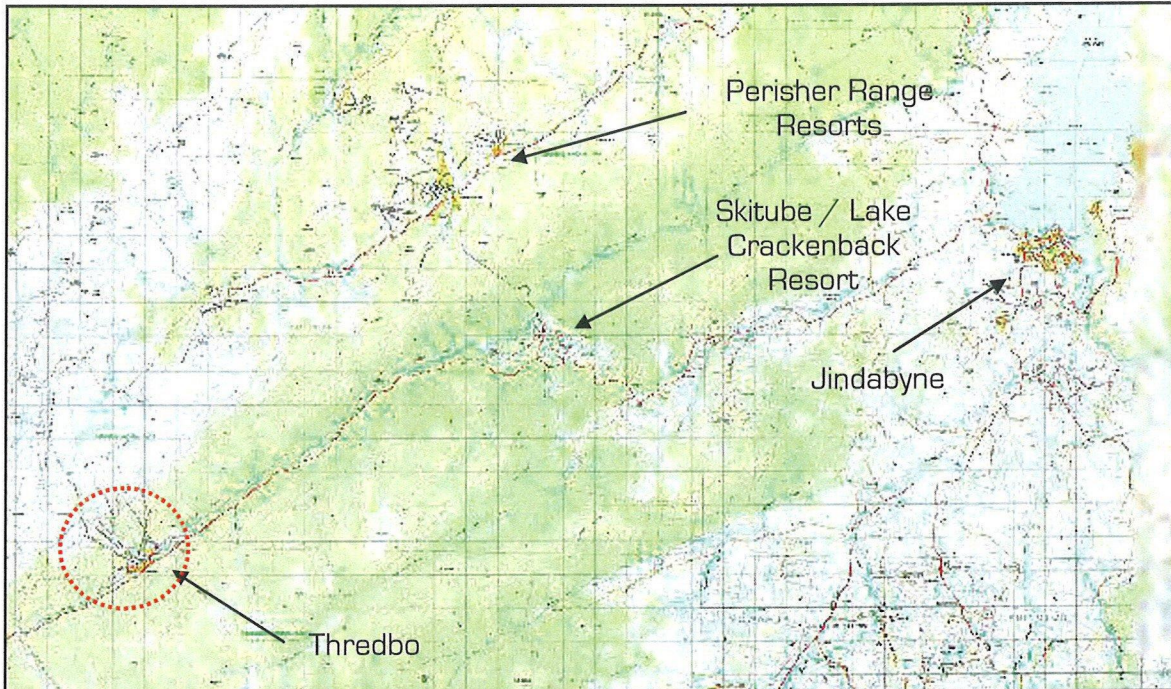


Figure 1: Context of the site within the Region



Figure 2: Location of the subject site in context with the resort

The location of the site in context with Ski resort is depicted on the Trail Map provided below.



Figure 3: Thredbo Ski Trail Map with Eagles Nest identified

2.2 The Site

The site comprises the Eagles Nest building, an access road, walking track and an array of towers, aerials, satellite dishes and associated antennae located on a rocky outcrop.

The Eagles Nest building incorporates a restaurant, vehicle and storage area, bathrooms, ski patrol base and accommodates all of the communications equipment for the communications facilities located to the east of the building on the rocky outcrop.

Below the building with direct access to the ground floor is the top station of the Kosciuszko Express quad chairlift. An existing vehicle access track dissects the two buildings with the Kosciuszko Walking track starting at this junction. The vehicle access track and walking track are combined to provide access to the rear of the Eagles Nest building with the walking track continuing westwards towards Mount Kosciuszko.

An aerial of the site is provided below in Figure 4:



Figure 4: Aerial of the site

The area to the west of the Eagles Nest building is gently sloping to the west and incorporates an existing walking track, referred to as the Summit track to Mount Kosciuszko.

Located to the north west of the building is an existing small structure known as the 'Opera House' which is used for storage of mountain equipment (poles, ropes, etc). The area between the Eagles Nest building and the 'Opera house' structure is predominantly disturbed.

Located to the east and dominating the ridgeline is an extensive rocky outcrop comprising of large boulders. The area incorporates an array of towers, aerials, satellite dishes and associated antennae located on concrete pedestals.

Photos of the site are provided in Appendix A.

3. DESCRIPTION OF THE DEVELOPMENT

3.1 Purpose of the Development

The purpose of the development is to provide Thredbo Alpine Resort and all the communications providers in the locality including television, radio, telecommunications and emergency services a single purpose built structure to accommodate all the communications equipment.

The development will also provide a much needed storage area for mountain equipment and allow for the existing 'Opera House' structure to be removed. Additionally, the building will provide refuge and a break room for Ski Patrol.

As discussed in Section 1.2 of the report, the communications hut has been proposed since around 1998. The need for the communications hut is due to:

- Limited space for the provision of appropriate communications equipment.
- Inability to expand the existing communications equipment, especially with recent technological advancements (eg Digital radio).
- Difficult access in and around the equipment.
- Difficult to access the equipment when the building is closed (particularly in summer).

The new communications hut will therefore resolve these issues and provide a more efficient, safer and accessible building for both the personnel and all the required communications equipment.

3.2 Site Analysis

As discussed above, the development of a purpose built communications hut at Eagles Nest has been proposed since 1998.

Over this time, the development has been subject to a comprehensive design process and site analysis exercise. The following principles for the site selection and building design have been defined over these years and have been applied to the proposed development:

Site selection principles:

- *The building is required to be external to the existing Eagles Nest building to due to the insufficient space and access provided within the building for all the communications service providers. This will also allow for 24 hour access to the building.*
- *The building is required to be setback from the Eagles Nest building (towards the north) as the building has been earmarked for its removal and the existing Kosciuszko Express quad chair has been earmarked for replacement with an extension to the existing alignment resulting in the top station being located further upslope. A minimum clearance of 10m is considered the optimum clearance between a ropeway and a building.*
- *The building is to be sited on the greatest disturbed area.*
- *The building has to be sited away from the existing skiing operations (including grooming operations) and summer operations including the walkway, hence the building is required to be constructed to the north of the walkway and Basin ski area.*

- *The building is required to respond to its unique setting in both winter and summer and the extreme weather (wind and snow) conditions experienced in the locality.*
- *The building is required to be designed to integrate with the existing Eagles Nest structure and be low scale and sympathetic to the surrounding landscape.*

3.3 General Description

The proposed development includes the following components:

- Remove the existing equipment storage hut (known as the 'Opera House').
- Construct a new communications hut that comprises the following:
 - Telecommunication equipment (within designated bays)
 - Ski Patrol
 - Ski Slope Equipment Storage
 - Toilet

The communications hut is 14.5m x 8.3m (120.3m²) and will be constructed using a steel structure elevated off the ground with pad footings to minimise excavation of the area. The building will be constructed comprising of Hebel floor, insulated wall and ceiling panels with Colorbond Custom Orb Roof and Colorbond Custom Orb wall sheeting. The hut will include a deck that is 12.7m² in size (inc the stairs) and constructed from painted steel.

The proposed colour of the roof and walls is 'Woodland Grey'.

- Excavate a trench (comprising of two trenches as per the Architectural drawings) and install a communication tray (multiple cables) and water and sewer line plus electricity between the new hut and the Eagles Nest building. The trench will be required to be 1m in width x 0.6m in depth and approximately 60m in length.
- Undertake a boundary adjustment to increase the size of Lot 869 to include the new building.

The four photos provided below illustrate the approximate location of the new building, the location of the services trench.

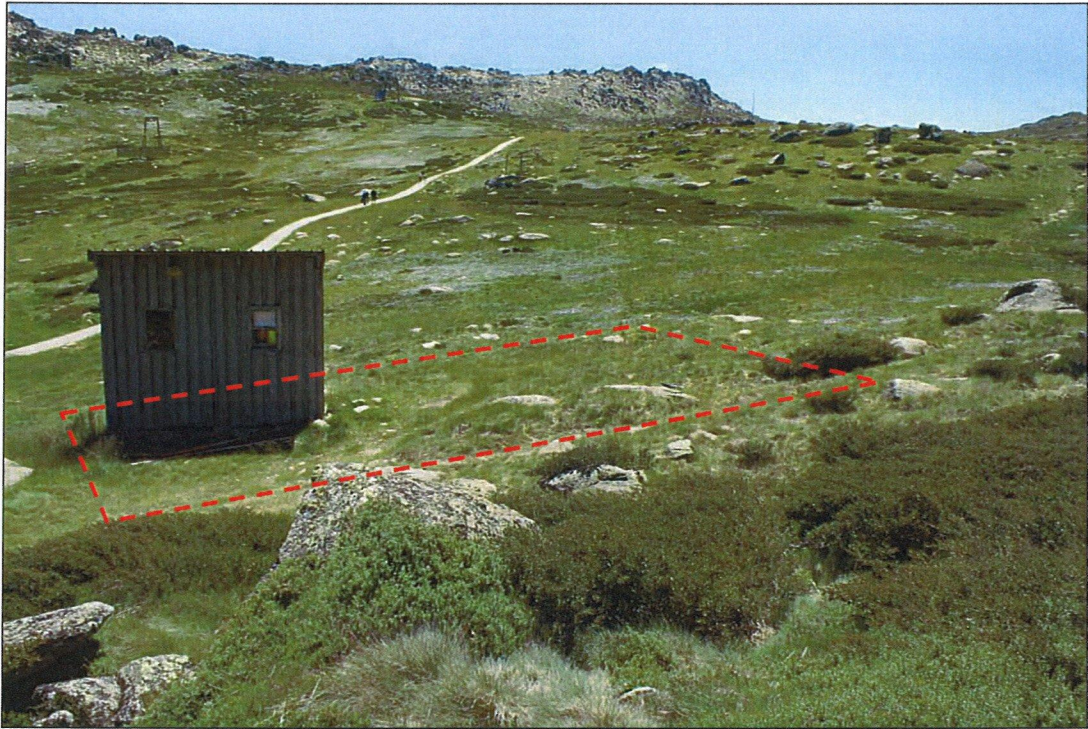


Figure 5: Approximate location of the Communications Hut

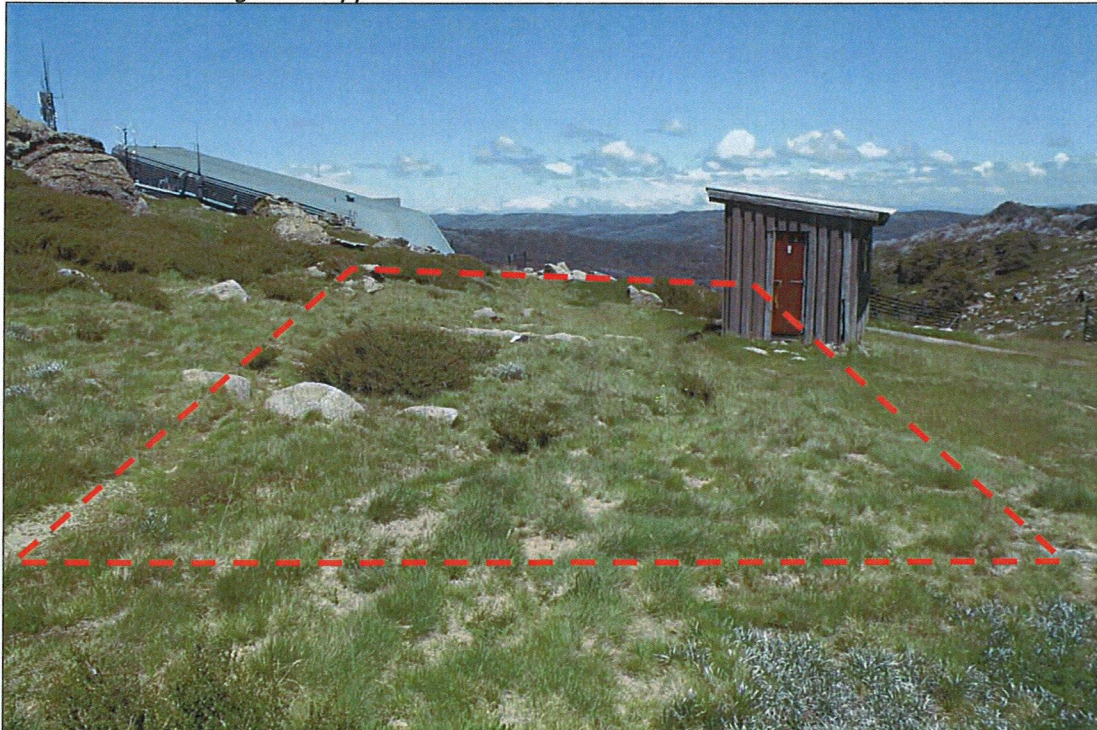


Figure 6: Approximate location of the Communications Hut

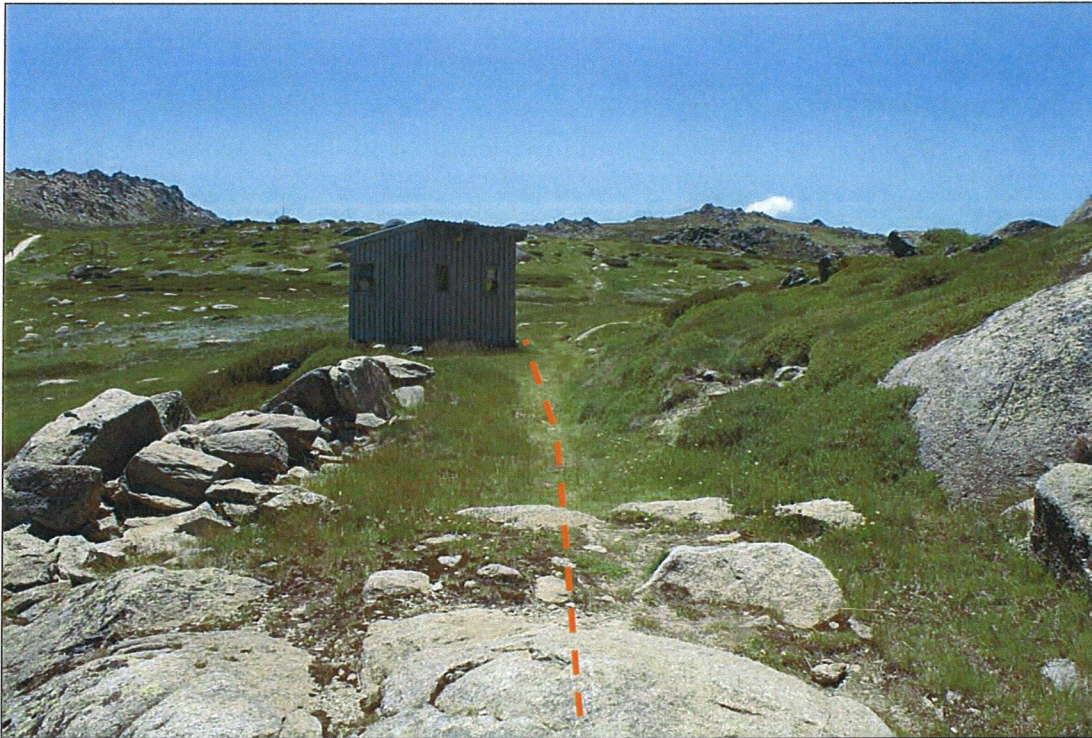


Figure 7: Approximate location of the services trench



Figure 8: Approximate location of the services trench

A diagram of the location of the proposed components of the development on an aerial photo is provided below in figure 9.



*Figure 9: Diagram illustrating the proposed location of the components of the project
(with the hut location illustrated in yellow and the services trench in red)*

3.4 Access

Access to the site is achieved via a service road that starts from the Friday Flat base area up the Supertrail, past the 'Lovers Leap' Mountain Workshop all the way to the Eagles Nest building as per the map provided below. An existing access track to the rear of the building is already provided as illustrated in figure 9 above.

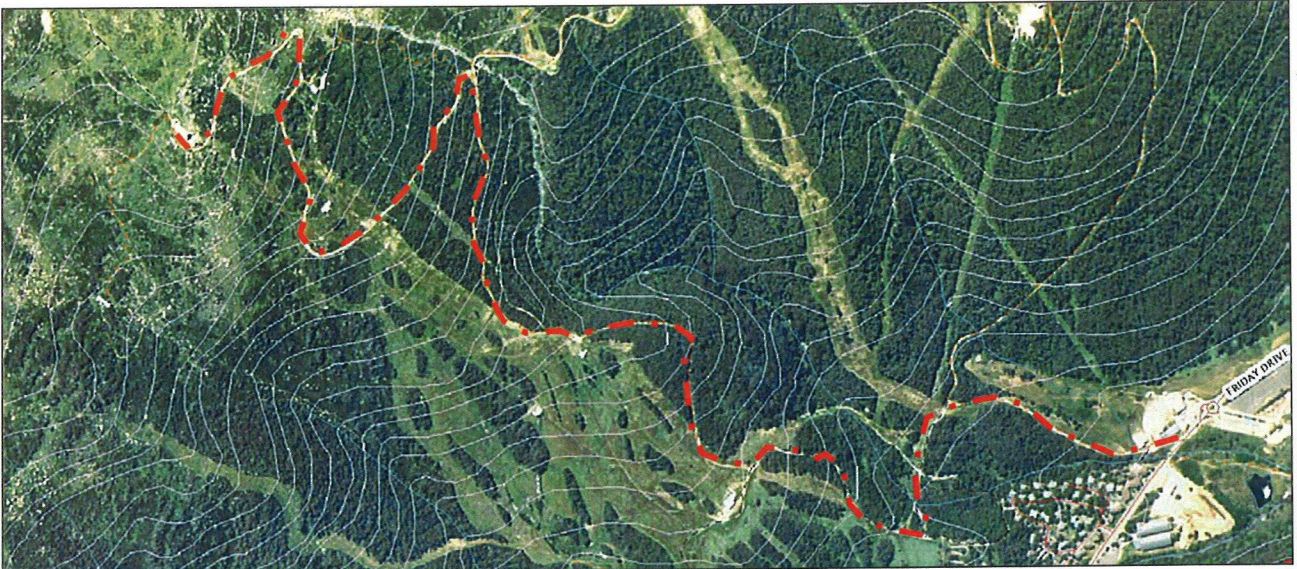


Figure 10: Diagram illustrating the access to the subject site

4. KEY MATTERS FOR CONSIDERATION

4.1 Fauna and Flora

A fauna and flora investigation and assessment of the subject site was undertaken to assess the biological environment and the potential effects on threatened and migratory species, endangered populations and ecological communities of the proposal for a new external communications hut at Eagles Nest, Thredbo Ski Resort.

This assessment was undertaken by Ryan Smithers, Senior Ecologist with Eco Logical Australia and included fieldwork undertaken in April 2010.

The field assessment and survey identified forty-three (43) flora species, comprising of thirty – three (33) native species and ten (10) introduced species. No threatened flora species were recorded within the study area and none are expected to occur there.

Six (6) faunal species were detected within or immediately surrounding the study area during the survey period. The assessment identified that no threatened fauna species were recorded during the study area or immediate surrounds during the survey period, and none are expected to occur there regularly or be dependent upon the habitats within the study area.

The field work survey concluded that the study area does not support any endangered ecological communities listed on the NSW Threatened Species Conservation Act, 1995 or the Environment Protection and Biodiversity Conservation Act 1999.

The assessment report, which is provided in full in Appendix B, concluded that following the application of the seven factors from Section 5A of the NSW Environmental Planning and Assessment Act, 1979 as required by the NSW Threatened Species Conservation Act, 1995 and Fisheries Management Act, 1994, in accordance with relevant assessment guidelines, that the proposal is unlikely to have a significant effect on threatened species, endangered populations, ecological communities, or their habitats and therefore a Species Impact Statement is not required.

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

4.2 Aboriginal Cultural Heritage

Although the subject site is predominantly disturbed, Kosciusko Thredbo Pty Ltd have consulted the Eden Local Aboriginal Land Council (ELALC) to ensure that the proposed erection of the communications hut and services trench will not impact on any Aboriginal sites or artefacts. As part of this consultation, the ELALC undertook a site inspection and heritage assessment of the proposal on the 12 February 2010.

The conclusions from the ELALC heritage assessment found that no heritage items or artefacts were located on the day, although the area was identified as having high potential for heritage items to occur.

The ELALC recommended that *'test pit monitoring would need to be carried out before major works commence. Should heritage items be located during the test pitting, then further assessment should occur. Should test pitting fail to reveal any heritage significance, then no further assessments are required and planned works will be able to proceed'*.

On site discussions with the ELALC revealed that the test pits should comprise of small sections of the surface area (eg down to 10cms) being excavated along the trench location (eg three locations) and the hut location. This would enable a thorough examination of whether or not the site comprises of heritage items.

Given that development consent would be required before the test pits are undertaken, this could form a condition of consent to be undertaken prior to the commencement of works on site.

Correspondence from the Eden Local Aboriginal Land Council is provided in Appendix C.

4.3 Visual Impacts

The proposed communications hut will be visible within the Basin ski area for both snowriders in winter and people using the Summit walking track in summer. The hut will be located in close proximity to the Eagles Nest building, which dominates the landscape due to its size and scale and being located on a ridgeline. The hut will also be located below the large rocky outcrop that comprises of large boulders and dominates the ridgeline in the locality.

The proposed hut is located in an area well below the ridgeline and will not interrupt the sky line due to its position below the rocky outcrop and adjacent to the Eagles Nest building.

The hut will therefore be visually screened from Thredbo Village and the Alpine Way and will only be visible within the Basin ski area of the resort as well as being visible from the Summit walking track.

To ensure that the hut responds to the surrounding built and natural environment, the building has been designed with a curved roof consistent with the architectural design of the Eagles Nest building. The use of the curved roof design ensures that the building's scale is minimal and unobtrusive, being subservient to the scale and natural landscape of the large rocky outcrops located adjacent. This will ensure that the building 'hugs the ground' with no large intrusions into the skyline. The use of the colours proposed will further ensure that the building blends in with the natural environment.

A suite of photos of the site are provided in Appendix A.

A photomontage of the building is provided below which provides a perspective of the building as viewed from the west along the Summit Walk.

The photomontage illustrates that the overall visual impacts generated by the proposal are not detrimental, as follows:



Figure 10: Photo perspective of the proposed Communications Hut

5. ENVIRONMENTAL AND PLANNING LEGISLATION

5.1 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979

5.1.1 SECTION 79C(1)(a)(i) – ENVIRONMENTAL PLANNING INSTRUMENTS

The only applicable Environmental Planning Instrument to the proposed development and site is State Environmental Planning Policy (Kosciuszko National Park - Alpine Resorts) 2007 (SEPP Alpine Resorts). The relevant clauses contained within SEPP Alpine Resorts are addressed below:

Clause 11 - Land Use Table:

The land use table for Thredbo Alpine Resort specifies that a 'telecommunications facility' is permitted with consent. The proposed communications hut is being erected to accommodate all the communications equipment from the communication service providers who use the Eagles Nest facility. The definition of a telecommunications facility is:

telecommunications facility means:

- (a) any part of the infrastructure of a telecommunications network, or*
- (b) any line, equipment, apparatus, tower, mast, antenna, tunnel, duct, hole, pit, pole or other structure or thing used, or to be used, in or in connection with a telecommunications network.*

The proposed development is therefore considered permissible with consent.

Clause 14 - Matters for consideration:

Matter for Consideration	Response
Cl.14 (1) In determining a development application that relates to land to which this Policy applies, the consent authority must take into consideration any of the following matters that are of relevance to the proposed development:	
(a) the aim and objectives of this Policy, as set out in clause 2,	<p><i>The proposed communications hut is considered to be consistent with the aims and objectives of the Policy as the development will be providing critical communications infrastructure including emergency services communications without generating adverse environmental impacts which have been mitigated through the design process and implementation of the measures contained in the SEMP.</i></p> <p><i>The proposed communications hut is expected to provide both positive social and economic impacts.</i></p>
(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),	<p><i>The proposed development does not require any measures to mitigate environmental hazards that would impact on the conservation of the natural environment.</i></p>

<p>c) having regard to the nature and scale of the development proposed, the impacts of the development (including the cumulative impacts of development) on the following:</p> <p>(i) the capacity of existing transport to cater for peak days and the suitability of access to the alpine resorts to accommodate the development,</p> <p>(ii) the capacity of the reticulated effluent management system of the land to which this Policy applies to cater for peak loads generated by the development,</p> <p>(iii) the capacity of existing waste disposal facilities or transfer facilities to cater for peak loads generated by the development,</p> <p>(iv) the capacity of any existing water supply to cater for peak loads generated by the development,</p>	<p><i>The proposed communications hut and associated works will not generate any additional demand on the capacity of the existing transport system. Although the proposal includes a single toilet, the proposal is not expected to generate any significant demand on the capacity of the existing reticulated effluent management system, existing waste disposal facility or existing water supply system at the resort.</i></p>
<p>[d] any statement of environmental effects required to accompany the development application for the development,</p>	<p><i>This Statement of Environmental Effects satisfies this sub-clause.</i></p>
<p>[e] if the consent authority is of the opinion that the development would significantly alter the character of the alpine resort—an analysis of the existing character of the site and immediate surroundings to assist in understanding how the development will relate to the alpine resort,</p>	<p><i>The new communications hut has been designed to respond to both the natural and built environment and would not be considered to alter the character of the resort.</i></p>
<p>[f] the Geotechnical Policy—Kosciuszko Alpine Resorts (2003, Department of Infrastructure, Planning and Natural Resources) and any measures proposed to address any geotechnical issues arising in relation to the development</p>	<p><i>A Form 4, prepared by Jeffery & Katauskas P/L has been prepared and provided with the DA separately.</i></p>
<p>[g] if earthworks or excavation works are proposed—any sedimentation and erosion control measures proposed to mitigate any adverse impacts associated with those works,</p>	<p><i>Excavation works are required for the construction of the hut and the services trench.</i></p> <p><i>Sedimentation and erosion control measures as outlined in the SEMP will mitigate any adverse impacts associated with such works.</i></p>
<p>[h] if stormwater drainage works are proposed—any measures proposed to mitigate any adverse impacts associated with those works,</p>	<p><i>Roofwater will be dispersed to the western side of the building where a gravel filled slotted PVC drain will be installed as per the Landscape Plan provided.</i></p>
<p>[i] any visual impact of the proposed development, particularly when viewed from the Main Range,</p>	<p><i>The proposed communications hut will be visible from the Summit Track and Basin ski area, which would be considered on the edge of the Main Range.</i></p> <p><i>The visual impacts of the development have been mitigated through a careful site selection process and the refined architectural design of the building using a curved roof structure and use of natural colours.</i></p> <p><i>The overall impacts, as illustrated by the photomontage provided are considered minimal.</i></p>

<p>(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,</p>	<p><i>The proposed communications hut will accommodate relocated equipment from the existing Eagles Nest building.</i></p> <p><i>The proposed hut and services trench will not result in any increase in activities outside of the ski season.</i></p>
<p>(k) if the development involves the installation of ski lifting facilities and a development control plan does not apply to the alpine resort:</p> <p>(i) the capacity of existing infrastructure facilities, and</p> <p>(ii) any adverse impact of the development on access to, from or in the alpine resort,</p>	<p><i>The development does not involve the installation of a ski lift.</i></p>
<p>(l) if the development is proposed to be carried out in Perisher Range Alpine Resort:</p> <p>(i) the document entitled Perisher Range Resorts Master Plan, as current at the commencement of this Policy, that is deposited in the head office of the Department, and</p> <p>(ii) the document entitled Perisher Blue Ski Resort Ski Slope Master Plan, as current at the commencement of this Policy, that is deposited in the head office of the Department,</p>	<p><i>Not applicable.</i></p>
<p>(m) if the development is proposed to be carried out on land in a riparian corridor:</p> <p>(i) the long term management goals for riparian land, and</p> <p>(ii) whether measures should be adopted in the carrying out of the development to assist in meeting those goals.</p>	<p><i>The proposed communications hut is not located within an identified riparian corridor.</i></p>
<p>(2) The long term management goals for riparian land are as follows:</p>	
<p>(a) to maximise the protection of terrestrial and aquatic habitats of native flora and native fauna and ensure the provision of linkages, where possible, between such habitats on that land.</p>	<p><i>Not applicable.</i></p>
<p>(b) to ensure that the integrity of areas of conservation value and terrestrial and aquatic habitats of native flora and native fauna is maintained,</p>	<p><i>Not applicable.</i></p>
<p>(c) to minimise soil erosion and enhance the stability of the banks of watercourses where the banks have been degraded, the watercourses have been channelised, pipes have been laid and the like has occurred.</p>	<p><i>Not applicable.</i></p>
<p>(3) A reference in this clause to land in a riparian corridor is a reference to land identified as being in such a corridor on a map referred to in clause 5.</p>	

5.1.2 SECTION 79C(1)(a)(ii) – DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS

There are no draft Environmental Planning Instruments that are applicable to the site or proposed development.

5.1.3 SECTION 79C(1)(a)(iii) – DEVELOPMENT CONTROL PLANS

There are no Development Control Plans applicable to the Kosciuszko Alpine Resorts under State Environmental Planning Policy (Kosciuszko National Park – Alpine Resorts) 2007.

5.1.4 SECTION 79C(1)(a)(iiiia) – PLANNING AGREEMENTS

There are no Planning Agreements applicable to the Kosciuszko Alpine Resorts under State Environmental Planning Policy (Kosciuszko National Park – Alpine Resorts) 2007.

5.1.5 SECTION 79C(1)(a)(iv) – REGULATIONS

The development application has been made in accordance with the requirements contained in Clause 50(1A) of the Environmental Planning and Assessment Regulation 2000.

5.1.6 SECTION 79C(1)(b) – LIKELY IMPACTS

Natural Environment:

The likely impacts from the proposed development on the natural environment have been identified and assessed as part of this report.

Due to the constraints associated with the site including the ski resort operations, the Summit track and the potential future removal of the Eagles Nest building and subsequent potential extension of the Kosciuszko Express quad chairlift, the site selection opportunities for the proposed building are very limited.

As discussed in Section 3 of the report, the site selection process has been undertaken over a long time and refined to the proposed development site. The site which is partially disturbed and includes areas of tall alpine herbfield will be impacted by the proposed works.

Therefore to minimise these impacts the building has been orientated to ensure the least amount of disturbance is created whilst using piers rather than a concrete slab which will result in less excavation. The building has also been sited in a location that will result in an existing building being removed, therefore further limiting the extent of disturbance of native vegetation.

The proposed services trench has been located to follow an existing disturbed path to further minimise the impacts associated with the installation of the required services.

Overall, the impacts generated by the proposal on the natural environment have been minimised through the design process and use of existing disturbed areas where possible. These impacts will be further minimised through the application of the measures identified in the SEMP.

The fauna and flora assessment provided in Appendix B has concluded that the proposed development is unlikely to have a significant effect on threatened species, endangered

populations, ecological communities, or their habitats and therefore a Species Impact Statement is not required.

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

Built Environment:

The impacts on the built environment are expected to be positive with the hut being designed in response to the Eagles Nest building including the use of natural colours that also respond to the natural environment.

Social and Economic impacts in the locality:

The social and economic impacts from the new communications hut will be positive providing a purpose built structure to accommodate all the communications equipment currently housed within the Eagles Nest building.

5.1.7 SECTION 79C(1)(c) – SUITABILITY OF THE SITE

The siting of the proposed development has been subject to a thorough site selection process. Due to the constraints within the locality, the proposed location was identified as the structure would not interfere with the existing ski slope operations, the existing Summit track or future plans for the potential removal of the existing building and extension of the chairlift.

The site was also selected on the basis that it was predominantly disturbed and not located within a highly visible location whilst also being fairly flat which has resulted in the associated impacts from the development being minimised.

Overall, the subject site is considered suitable for the proposed development.

5.1.8 SECTION 79C(1)(d) – SUBMISSIONS

Not applicable.

5.19 SECTION 79C(1)(e) – THE PUBLIC INTEREST

The above assessment has demonstrated that the proposal satisfies the objectives and relevant clauses prescribed under State Environmental Planning Policy (Kosciuszko National Park – Alpine Resorts) 2007.

The development is considered to be within the public interest, mainly due to the public benefit generated by providing all the communications providers with a safe, efficient, accessible building for their equipment whilst also providing much needed storage area and Ski Patrol refuge. The proposed building benefits the public by helping to ensure first class communications, vital in the Alpine environment.

5.2 NATIONAL PARKS AND WILDLIFE ACT, 1974

The National Parks and Wildlife Act, 1974 (NPW Act, 1974) governs the establishment, preservation and management of national parks, historic sites and certain other areas. The NPW Act also provides the basis for the legal protection and management of threatened native flora and fauna and Aboriginal sites within NSW.

As detailed in Section 4 of the report, the proposed development will generate minimal impacts on native fauna and flora and Aboriginal sites and artifacts, which will ensure the development is consistent with the provisions of the NPW Act, 1974.

5.3 THREATENED SPECIES CONSERVATION ACT, 1995

The Threatened Species Conservation Act, 1995 (TSC Act, 1995) requires the consideration of potential impacts on threatened species, populations and or ecological communities. The Act requires that a Species Impact Statement be prepared for a development proposal that is likely to significantly affect threatened species, populations or ecological communities or their habitats.

The factors to be taken into account in deciding whether there is a significant effect are set out in Section 5A of the EP&A Act, 1979 and are based on a 7 part test of significance.

An assessment of the impacts of the proposed development on threatened species, populations and or ecological communities and their habitats has been undertaken and provided in Appendix B.

5.4 ENVIRONMENT PROTECTION AND BIODIVERSITY ACT, 1999 (COMMONWEALTH)

The Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act, 1999) provides for the protection of the environment, especially matters of national environmental significance (NES). Under the EPBC Act, a person must not take an action that has, will have, or is likely to have a significant impact on any of the matters of NES without approval from the Australian Government Environment Minister or the Minister's delegate.

A referral must be made for actions that are likely to have a significant impact on the following matters protected by Part 3 of the EPBC Act:

- World Heritage properties (sections 12 and 15A)
- National Heritage places (sections 15B and 15C)
- Wetlands of international importance (sections 16 and 17B)
- Listed threatened species and communities (sections 18 and 18A)
- Listed migratory species (sections 20 and 20A)
- Protection of the environment from nuclear actions (sections 21 and 22A)
- Commonwealth marine environment (sections 23 and 24A)
- Great Barrier Reef Marine Park (sections 24B and 24C)
- The environment, if the action involves Commonwealth land (sections 26 and 27A), including:
 - actions that are likely to have a significant impact on the environment of Commonwealth land (even if taken outside Commonwealth land);

- actions taken on Commonwealth land that may have a significant impact on the environment generally;
- The environment, if the action is taken by the Commonwealth (section 28)
- Commonwealth Heritage places outside the Australian jurisdiction (sections 27B and 27C)

A search of the matters of national environmental significance database for Thredbo was undertaken and identified that the National Heritage Listing of the Kosciuszko National Park was relevant to the proposed development as addressed below.

5.4.1 National Heritage Listing

Under the EPBC Act, 1999, the 'Australian Alps National Parks and Reserves – Kosciuszko National Park' was included on the National Heritage List on the 7 November 2008. The Alps were listed for their outstanding natural and cultural heritage significance to the nation.

Under the EPBC Act, a referral must be made for actions that are likely to have a significant impact on a National Heritage Place, such as the Australian Alps.

To determine whether an action is likely to have a significant impact, the significant impact criteria provided in the Commonwealth Department of Environment and Heritage 'EPBC Act Policy Statement 1.1: Significant Impact Guidelines for Matters of National Environmental Significance, May 2006' applies.

The Guidelines state that an action is likely to have a significant impact on the National Heritage values of a National Heritage place if there is a real chance or possibility that it will cause:

- one or more of the National Heritage values to be lost;
- one or more of the National Heritage values to be degraded or damaged; or
- one or more of the National Heritage values to be notably altered, modified, obscured or diminished.

An assessment of impact against the National Heritage List Criteria and the National Heritage values of the Australian Alps has been undertaken and provided in the following table below:

National Heritage Assessment Table

Criterion	Impact on Values
(a) the place has outstanding heritage value to the nation because of the place's importance in the course, or pattern, of Australia's natural or cultural history	<p><i>The Australian Alps National Parks is listed under this criterion for its glacial and periglacial features; fossils; karst areas; biological heritage; moth feasting; transhumant grazing; scientific research; water harvesting; and recreation.</i></p> <p><i>The proposed development at Thredbo would not conflict with any of the above values of the AANP.</i></p>
(b) the place has outstanding heritage value to the nation because of the place's possession of uncommon, rare or endangered aspects of Australia's natural or cultural history	<p><i>The Australian Alps is listed under this criterion for its landscape and topography; glacial and periglacial features; fossils; alpine and sub-alpine systems; and eucalypt flora communities.</i></p> <p><i>The proposed development would generate minimal impacts on the overall landscape of the Australian Alps and would not conflict with any of the above heritage values.</i></p>

<p>(c) the place has outstanding heritage value to the nation because of the place's potential to yield information that will contribute to an understanding of Australia's natural or cultural history</p>	<p><i>Not Applicable.</i></p>
<p>(d) the place has outstanding heritage value to the nation because of the place's importance in demonstrating the principal characteristics of: (i) a class of Australia's natural or cultural places, or (ii) a class of Australia's natural or cultural environments</p>	<p><i>The Australian Alps are listed for the North-East Kosciuszko Landscape values.</i></p> <p><i>The subject site is located within the Thredbo Alpine Resort and is not located within the North-Eastern area of Kosciuszko National Park.</i></p>
<p>(e) the place has outstanding heritage value to the nation because of the place's importance in exhibiting particular aesthetic characteristics valued by a community or cultural group</p>	<p><i>The Australian Alps are listed under this criterion for their powerful, spectacular and distinctive landscape that is highly valued by the community.</i></p> <p><i>These aesthetic characteristics include the KNP main range for its mountain vistas, panoramas, snow covered crests, slopes and valleys, alpine streams and rivers and lakes.</i></p> <p><i>The proposed development would not impact on any of these heritage values.</i></p>
<p>(f) the place has outstanding heritage value to the nation because of the place's importance in demonstrating a high degree of creative or technical achievement at a particular period</p>	<p><i>Not Applicable.</i></p>
<p>(g) the place has outstanding heritage value to the nation because of the place's strong or special association with a particular community or cultural group for social, cultural or spiritual reasons</p>	<p><i>The Australian Alps have a special association with the Australian community because of their unique landscapes, the possibility of experiencing remoteness and as the only opportunity for broad-scale snow recreation in Australia. The AANP is widely recognised by Australians as the 'high country' and many community groups have a special association with the AANP for social and cultural reasons.</i></p> <p><i>The proposed development would not impact on the above values.</i></p>
<p>(h) the place has outstanding heritage value to the nation because of the place's special association with the life or works of a person, or group of persons, of importance in Australia's natural or cultural history</p>	<p><i>The place is listed under this criterion for its association with the life or works of prominent people such as Baron Ferdinand Von Mueller, Eugen Von Guerard, writers 'Banjo' Patterson, Elyne Mitchell and David Campbell.</i></p> <p><i>The proposed development would not have any impact on the life or works of people with importance to the AANP.</i></p>
<p>(i) the place has outstanding heritage value to the nation because of the place's importance as part of Indigenous tradition.</p>	<p><i>Not Applicable.</i></p>

The above assessment has concluded that the proposed development will not have a significant impact on the values of the Australian Alps National Park and therefore referral and approval under the EPBC, Act 1999 is not required.

6. CONCLUSION

The proposed development has been considered in regard Section 79C of the EP&A Act, 1979 and State Environmental Planning Policy (Kosciuszko National Park – Alpine Resorts) 2007.

The proposal has been found to be consistent with the above legislation and Environmental Planning Instrument, as detailed in the above report.

The proposed development is a result of over ten years of various development and design options to provide Thredbo Alpine Resort with a purpose built structure to accommodate all the communications equipment at Eagles Nest.

The proposed structure is considered critical to the ongoing provision of communications to the resort and wider region including, but not limited to television, radio and phone. Importantly the building will incorporate all the emergency services communications equipment which is vital for the resort and region, including the Main Range.

The site selection and design process for the building represents over ten years of work from the original development site approved by NPWS to the proposed site. Due the constraints identified within the immediate locality, the site selection for the development was limited; however the building was orientated and designed to mitigate the potential impacts on the natural environment.

On balance, the proposed communications hut will generate positive social and economic impacts for the resort and wider region whilst minimising impacts on the natural and built environment.