



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

Our reference: DOC21/628524
EF21/10271

By email: Mark.Brown@planning.nsw.gov.au

Dear Mark,

**DA Referral – Redevelopment of existing tourist accommodation, Woodridge
Lodge, 9 Valley Close, Thredbo
DA 10688**

We 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 National Park Plan of Management 2006* (KNP PoM), the *Biodiversity Conservation Act 2016* (BC Act) and any other applicable legislation. Accordingly, we suggest that the following should be considered by the Department of Planning, Industry and Environment (DPIE) in its assessment.

1. Leasing and KNP PoM

- 1.1 NPWS Property and Commercial Branch (PCB) have advised that the proposed works are permissible under the head lease for the Thredbo Alpine Resort held by Kosciuszko Thredbo Pty Ltd (KT), subject to consent being obtained from NPWS (as lessor) under that lease.
- 1.2 We note that lessor's consent to the works under the head lease is required because the proposed building footprint exceeds the current curtilage. NPWS PCB will liaise with KT and the proponent separately with a view to considering and providing the consent required.
- 1.3 The relevant provisions of the KNP PoM have been considered and it is determined the 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).

2. BC Act

- 2.1 Consideration by the proponent of the BC Act has been demonstrated. NPWS concurs that the development, as proposed, does not trigger the Biodiversity Offset Scheme (BOS) under the BC Act.
- 2.2 However, if any clearing of native vegetation is required in order for this DA to fulfil any NSW Rural Fire Service (RFS) recommendation for the sublease area to be managed as an Inner Protection Area (IPA), this may require reassessment for the purposes of the BC Act. We note that the lease area is mapped by NPWS as Broad-tooth Rat habitat. Please see point 3.2 below regarding a requirement for an APZ management plan and onsite inspection.

3. Protection of native vegetation, fauna and fauna habitats

3.1 In order to assist in minimising any impacts of the proposed development on the environmental values of Kosciuszko National Park, NPWS recommends that the following measures be implemented during completion of the works:

- (i) All vegetation approved for removal must be clearly marked.
- (ii) All vegetation must be checked for fauna habitats and fauna (including nests and hollows) by the KT Environmental Officer immediately prior to felling. The large eucalypts proposed for removal in the plans and statement of environmental effects for the development have the potential for presence of native fauna including possums and birds. Trees with active nests must not be removed until the young have left the nest and NPWS must be contacted if any fauna are found. NPWS must also be informed in writing that this check occurred on the morning of removal.
- (iii) All vegetation must not be felled/removed in a manner which damages other surrounding vegetation. All vegetation removed must be removed from site completely unless being used for rehabilitation or cut and stacked appropriately for use as firewood.
- (iv) To minimise weed vectors and other biosecurity issues, all machinery and equipment used during construction must be cleaned prior to entry into the Kosciuszko National Park, and prior to movement between sites in the Park, to ensure the machinery is free of mud and vegetative propagules.
- (v) All stockpile sites, including materials storage areas, parking and waste management receptors (e.g. skip bins) must not impact on native vegetation.
- (vi) All waste management receptors must be covered daily, or be emptied or removed from site each day, to ensure that waste cannot blow away or be disturbed by scavenging fauna.
- (vii) Erosion and sediment control measures must be implemented for ground disturbance works and must be regularly checked and maintained.
- (viii) If straw bales are used for sediment and erosion control, or for rehabilitation, then these must be certified as weed free.
- (ix) If excavations are left open overnight then fauna egress provision must be included.
- (x) Imported gravel/materials (e.g. fill material used for civil works) must be free from weeds and pathogens, and sourced from stockpile sites approved by NPWS.
- (xi) Rehabilitation must be undertaken in accordance with the document entitled '*Rehabilitation Guidelines for the Resort Areas of Kosciuszko National Park*', a copy of which is available at: <https://www.environment.nsw.gov.au/research-and-publications/publications-search/rehabilitation-guidelines-for-the-resort-areas-of-kosciuszko-national-park>.
- (xii) Any areas that require rehabilitation must be monitored and maintained until an erosion resistant state has been achieved.

3.2 If additional vegetation management and/or clearing is needed to fulfil any RFS recommendation or standards for asset protection zones (APZs) set out in *Planning for Bushfire Protection 2019*, then further consultation with NPWS and KT is required before works can occur, including an onsite inspection and finalisation of an APZ management plan.

4. Aboriginal cultural heritage

- 4.1 The Aboriginal Cultural Heritage Assessment provided by the proponent appears to have followed a suitable process. Due diligence in determining that the proposed works are unlikely to harm Aboriginal objects has been demonstrated.
- 4.2 Should any Aboriginal objects be uncovered during construction, any works impacting the objects must cease immediately and the NPWS must be contacted for assessment of the site.

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*. In that capacity, we note that the following should be included in any consent conditions:
- (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 qualified person to the NPWS, at the required stages of work:
 - a notice of work before work commences; and
 - A certificate of compliance and sewer service diagram upon completion of works.
- 5.2 More information on compliance with conditions such as these 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>

6. Public health matters (potential spa pool)

- 6.1 NPWS recommends that conditioning addressing the issues in paragraphs 6.3 and 6.4 below are included in any development consent to address compliance with the *Public Health Act 2010* (PH Act) and *Swimming Pools Act 1992*.
- 6.2 It is not clear to us from the DA whether the development will include a 'public spa pool' for the purposes of the PH Act. However, we note the following requirements which may assist the proponent in determining whether the legislation applies (see section 34, PH Act):
- (i) 'public spa pool' includes any spa pool to which the public is admitted (whether free of charge or not) and includes a pool provided for the use of guests at a hotel, motel, guest house, holiday units or similar facility; and
 - (ii) 'spa pool' includes any structure (other than a swimming pool) that: (a) holds more than 680 litres of water; (b) is used or intended to be used for human bathing; and (c) has facilities for injecting jets of water or air into the water.
- 6.3 Spa pool access:
- (i) Spa pool owners are required under the *Swimming Pools Act 1992* to register their pool on the NSW Government's Swimming Pool Register. Details of the Register are available at: <https://www.swimmingpoolregister.nsw.gov.au/>
 - (ii) Access to the spa pool must comply with the *Swimming Pools Act 1992* and *Swimming Pools Regulation 2018*.
- 6.4 Spa pool installation and operating requirements:

- (i) The proponent must notify the NPWS Environmental Health Officer (currently Helen Smith: Helen.Smith@environment.nsw.gov.au) in writing of the proposed location of their spa pools prior to installation.
- (ii) The operation of the spa pools must comply with the *Public Health Act 2010*, *Public Health Regulation 2012* and the *National Parks and Wildlife Regulation 2009*.
- (iii) The premises must operate in compliance with the *Smoke-free Environment Act 2000*.

7. Other matters

7.1 We note that NPWS has also considered the following matters in our assessment:

- (i) There is no significant proposed change to the runoff volume for the site. We have assumed that Thredbo's stormwater management system is able to handle the volume given KT have supported the development (although see our request for further information in paragraph 8 below). All drainage should not cause additional environmental impacts.
- (ii) That the existing Woodridge Lodge building is not listed as a heritage item on the SEPP.
- (iii) We note that due to the age of the existing building there is potential for asbestos to be present on site. If there is asbestos present then this should be dealt with in accordance with the code of practice "*How to Manage and Control Asbestos in the Workplace*", the *Work Health and Safety Act 2011* and *Work Health and Safety Regulation 2017*.

8. Additional information request

8.1 The proposed works include changes to the stormwater drainage system on the site. However, it is noted that the civil stormwater plans are for the existing building footprint and not the proposed development. It is also noted that the absorption method for stormwater management may not be appropriate for the area above the proposed garage where soil depth, and as a result infiltration and water holding capacity, will be limited. We request an updated stormwater management plan to address these issues.

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

Yours sincerely



RYAN PETROV
A/Director, Southern Ranges Branch
National Parks and Wildlife Service

2 August 2021