



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

Our reference: DOC22/332793  
EF22/5603

By email: [Mark.Brown@planning.nsw.gov.au](mailto:Mark.Brown@planning.nsw.gov.au)

Dear Mark,

### **DA Referral – Communications tower and facility, Mount Selwyn, DA 22/4928**

We refer to the above development application (DA) forwarded to the National Parks and Wildlife Service (NPWS) for provision of comments in accordance with Chapter 4 of the *State Environmental Planning Policy (Precincts—Regional) 2021* (SEPP).

As requested, NPWS makes the following comments in response, having considered matters required by 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 other relevant legislation. We request that the Department of Planning and Environment (DPE) consider our comments in its assessment.

#### **1. Leasing/licensing and KNP PoM**

- 1.1 NPWS Visitor Engagement & Revenue Branch (VERB) have advised that the proposed works are permissible under the lease held by Selwyn Snow Resort Pty Limited (SSR) for the Selwyn Snow Resort. However, a sublease will be required between the proponent (as sublessee) and SSR (as sublessor). SSR must liaise with NPWS VERB ([npws.property@environment.nsw.gov.au](mailto:npws.property@environment.nsw.gov.au)) to seek lessor's consent to the grant of such a sublease.
- 1.2 If constructed in accordance with the DA and provided our comments below are addressed, the works will be consistent with relevant provisions of the KNP PoM. Relevant provisions include section 10.2 (Alpine Resorts Management Units), section 10.5 (Selwyn Management Unit) and chapter 8 (Recreation).

#### **2. BC Act**

- 2.1 The proponent has demonstrated appropriate consideration of the BC Act in the DA. As proposed, NPWS concurs that the development does not trigger the Biodiversity Offset Scheme under the BC Act.

#### **3. Protection of native vegetation, fauna and fauna habitats**

- 3.1 We note that fieldwork for the flora and fauna survey accompanying the DA was completed prior to the 2019/20 bushfire which impacted the site. This event and subsequent regrowth observed in the surrounding environment in subsequent summer seasons will have impacted the currency of that fieldwork. In any case, the proponent appears to require a degree of flexibility to conduct pre-clearance surveys and determine a final alignment for the access track and asset protection zone (APZ) proposed as part of the development.
- 3.2 NPWS considers that some flexibility around where clearance occurs as part of the APZ and access track for the proposal is appropriate. However, we wish to retain some

oversight of how this occurs in order to mitigate potential impacts to flora and fauna. For example, to avoid leguminous shrubs (which may provide a food source for Smokey Mouse), to avoid tussock areas of *Poa* sp. (which is potential habitat for both Alpine She-Oak Skink and Broad-tooth Rat) and to minimise damage to Snowgum lignotubers and stags where practicable. In order to address these issues and mitigate risks to the environmental values of Kosciuszko National Park (KNP) more broadly, we recommend that the proponent:

- (i) work with NPWS to finalise an APZ and access management plan under the *National Parks and Wildlife Regulation 2019* for the site. The appropriate contact for arranging a joint site inspection and finalisation of a plan is the NPWS Environmental Liaison Officer (Amy Slocombe, [amy.slocombe@environment.nsw.gov.au](mailto:amy.slocombe@environment.nsw.gov.au)); and
- (ii) prepare and implement a Site Environmental Management Plan (SEMP) for the development which, among other things, addresses the issues identified in paragraphs 3.3 to 3.12 (inclusive) and 4.2 below. These issues should also be addressed in DPE consent conditions.

### Trenching measures

3.3 In undertaking trenching works we recommend that:

- (i) If trenches are to be left open overnight, then fauna egress provisions must be included.
- (ii) Trenching through areas of native vegetation (if any) must utilise sod replacement techniques where practicable. However, this is not necessary for areas which are predominantly exotic grass.
- (iii) If sod replacement does not achieve rapid stabilisation and revegetation in some areas, or is not suitable for an area, then follow up rehabilitation of the site is required to achieve an erosion resistant state.

### Exotic species management

- 3.4 All relevant weed species that occur within the proposed development site and any associated stockpile sites must be treated prior to works commencing to ensure these weeds are not spread further at the site or within KNP. In addition, ongoing weed management is essential to ensure relevant weed coverage does not increase. Routine assessment of the site must be conducted, including following completion of construction, with relevant weeds identified to be treated or removed.
- 3.5 For the purposes of our comments in paragraph 3.4, 'relevant weed species' include pest flora species identified in the regional pest management strategy for the NSW Southern Ranges Region most recently published by DPE, at the date of these comments being the *Regional Pest Management Strategy 2012-17 Southern Ranges Region*, a copy of which is available at:

<https://www.environment.nsw.gov.au/-/media/OEH/Corporate-Site/Documents/Parks-reserves-and-protected-areas/Pest-management-strategies/regional-pest-management-strategy-southern-ranges-region-120374.pdf>.

### Machinery, equipment and materials

- 3.6 To minimise weed vectors and other biosecurity issues, all machinery and equipment used during construction must be cleaned prior to entry into KNP and prior to site mobilisation to ensure the machinery is free of mud, vegetative propagules and pathogens. This includes machinery that may have been working in an area of the KNP that contains weeds and is preparing to be redeployed in the proposed development site and associated stockpile and staging areas.

- 3.7 All machinery, materials and equipment must be stored on existing disturbed areas and must not be stored on native vegetation.
- 3.8 Vehicles and machinery must only be fuelled at designated hard stand fuelling stations or with spill kits and temporary bunding in place.

#### Stockpile sites, and soil and waste management

3.9 To minimise impacts to native vegetation, the following conditions are recommended:

- (i) All stockpiling is to be in accordance with the *Soil Stockpile Guidelines for the Resort Areas of Kosciuszko National Park* (OEH, 2017), a copy of which can be provided by the NPWS Assessment Coordinator.
- (ii) Proposed stockpile sites, including materials storage areas, parking and waste management receptors (e.g. skip bins) and storage of soils and sods must not impact on native vegetation. Materials removed during construction must be stockpiled within the designated stockpile areas or areas of cleared vegetation only.
- (iii) All waste management receptors must be able to be covered to ensure waste cannot blow away or be disturbed by scavenging fauna, or must be emptied or removed from site each day.
- (iv) Erosion and sediment control measures must be regularly checked and maintained, particularly immediately following precipitation events.
- (v) All straw bales used for sediment and erosion control must be weed free.

#### Construction period

- 3.10 The trenching and construction works must cease by the June long weekend, with the site being stabilised and made erosion resistant through initial rehabilitation measures at that time. Construction must not commence or continue when snow is located on the development site and machinery must not be used to remove snow from areas containing native vegetation.

#### Rehabilitation, monitoring and maintenance

- 3.11 Rehabilitation must be commenced immediately upon backfilling of trenches or completion of other ground disturbance which is part of the works in order to achieve an erosion resistant state. Rehabilitation must:

- (i) be 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>

- (ii) incorporate use of jute mesh or weed free straw for mulching bare ground; and
- (iii) utilise only locally occurring native *Poa* sp. seed rather than exotic grasses such as Chewings Fescue.

- 3.12 Monitoring of the site must occur at least every 12 months for a minimum period of 5 years, with mulching and re-seeding of any bare areas and treatment of relevant weed species to occur with the same frequency.

### **4. Other matters**

#### Aboriginal cultural heritage

- 4.1 The Aboriginal cultural heritage assessment which is part of the DA appears to have followed a suitable process. We believe that appropriate 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 contacted for assessment of the site. A finds protocol to this effect must be included in the SEMP.

Visual impacts

- 4.3 We do not consider that there will be material visual impacts resulting from the development. Namely, impacts significantly beyond those already created by other telco/communications infrastructure in the immediate vicinity of the site.

If you have any further enquires please contact the NPWS Assessment Coordinator, Pete Whiting on 02 6450 5543 or at [Pete.Whiting@environment.nsw.gov.au](mailto:Pete.Whiting@environment.nsw.gov.au).

Yours sincerely



**Mick Pettitt**  
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**Southern Ranges Branch**  
29 April 2022