



Hi Noon Ski Club, Thredbo

Development Application Assessment
DA 24/17507

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Glossary

Abbreviation	Definition
BCA	Building Code of Australia
BC Act	<i>Biodiversity Conservation Act 2016</i>
BC Regulation	<i>Biodiversity Conservation Regulation 2017</i>
BVM	Biodiversity Values Map
Consent	Development Consent
CPP	Community Participation Plan
Department	Department of Planning, Housing and Infrastructure
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2021</i>
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
EPI	Environmental Planning Instrument
ESD	Ecologically Sustainable Development
KNP	Kosciuszko National Park
Minister	Minister for Planning
NCC	National Construction Code
NPWS	National Parks & Wildlife Service
Planning Secretary	Secretary of the Department of Planning, Housing and Infrastructure
RFS	NSW Rural Fire Service
SEMP	Site Environmental Management Plan
SEPP	State Environmental Planning Policy

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1 Introduction

This report provides an assessment of the Development Application (DA 24/17507) for external alterations to the Hi Noon Ski Club within Thredbo Alpine Resort (**Figure 1**), including the expansion of the existing ski storage room, alterations to an existing W/C, the removal and replacement of an existing access ramp and internal change of use.

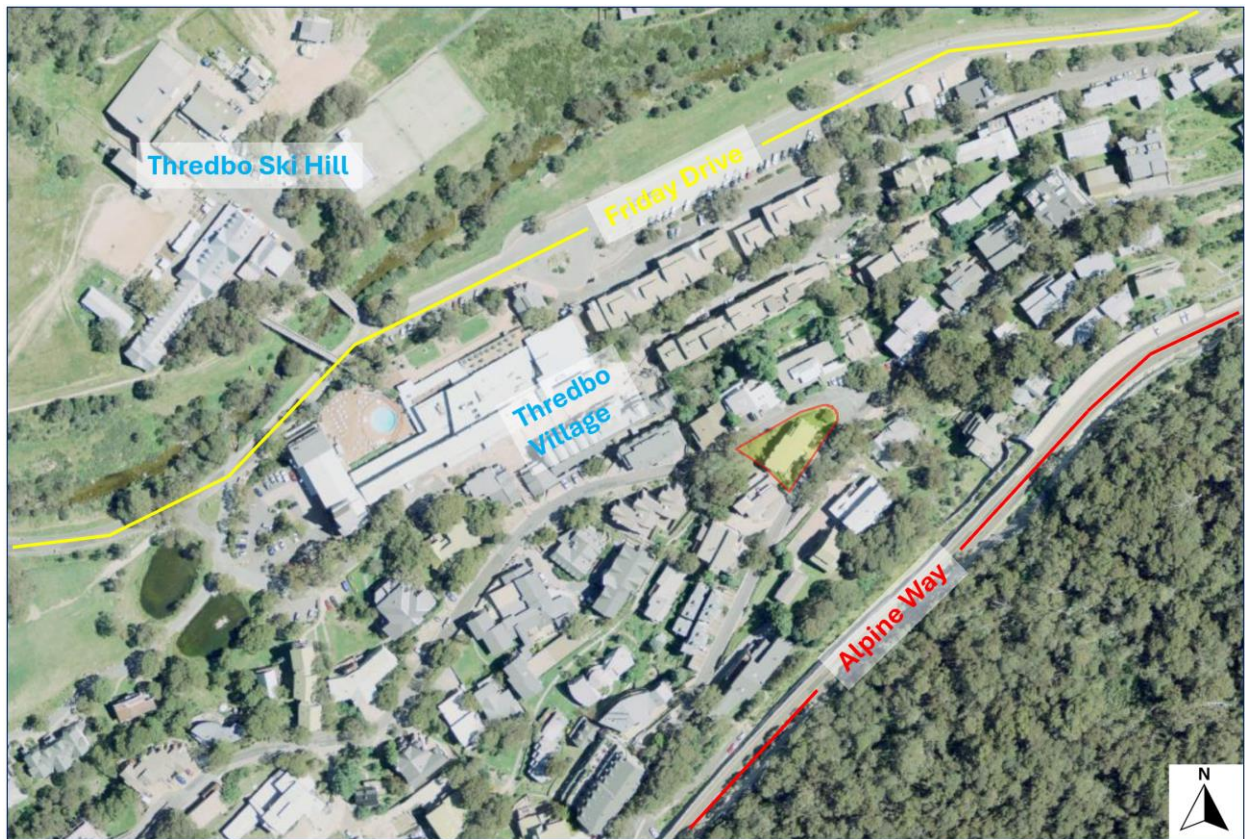


Figure 1 | Location of site (highlighted) in context of other surrounding buildings (Source: SIX Maps 2025)

The site is located at Lot 721 DP 1119757, 12 Banjo drive, Thredbo and also includes the adjoining road allotment (Lot 876 DP 1119757). The building site is occupied by a tourist accommodation building with ancillary access structures and parking, which is bounded by Black Bear to the north, Golden Eagle 2 to the west, and KAC Thredbo to the south.

The site is accessible via Banjo Drive and Diggings Terrace, and within close proximity to Thredbo Village.

The application has been submitted to the Department for the following works:

- removal of the existing north-facing wall, expansion of existing space on the first floor with framing and cladding identical to the removed, sealing and waterproofing to the decking above the building extension
- removal and replacement of existing access ramp and concrete path, including landing structures and railings
- removal and replacement of existing windows
- internal installation of bike-mounting infrastructure

The proposed external works can be identified in **Figure 2** and **Figure 3**.

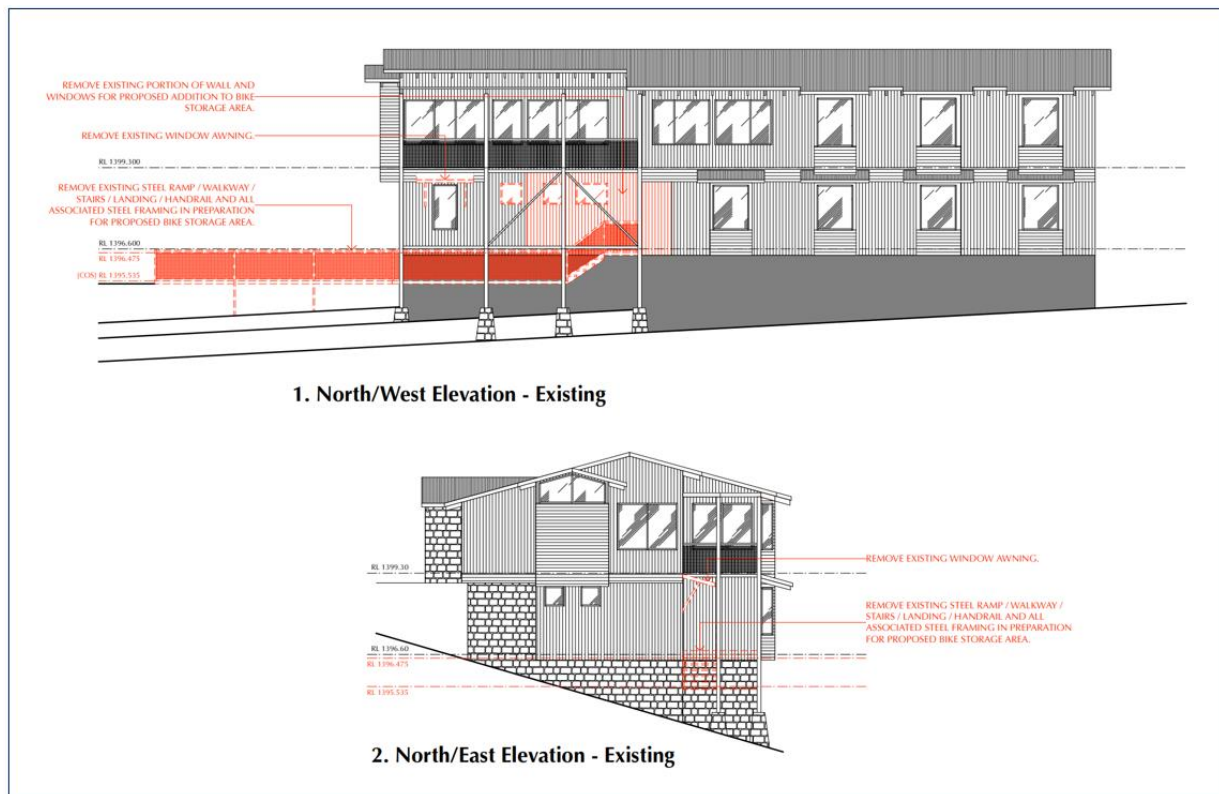


Figure 2 | Elevation plan identifying demolition of existing footpath and access structures (Source: Applicant's Statement of Environmental Effects [SEE] 2025)

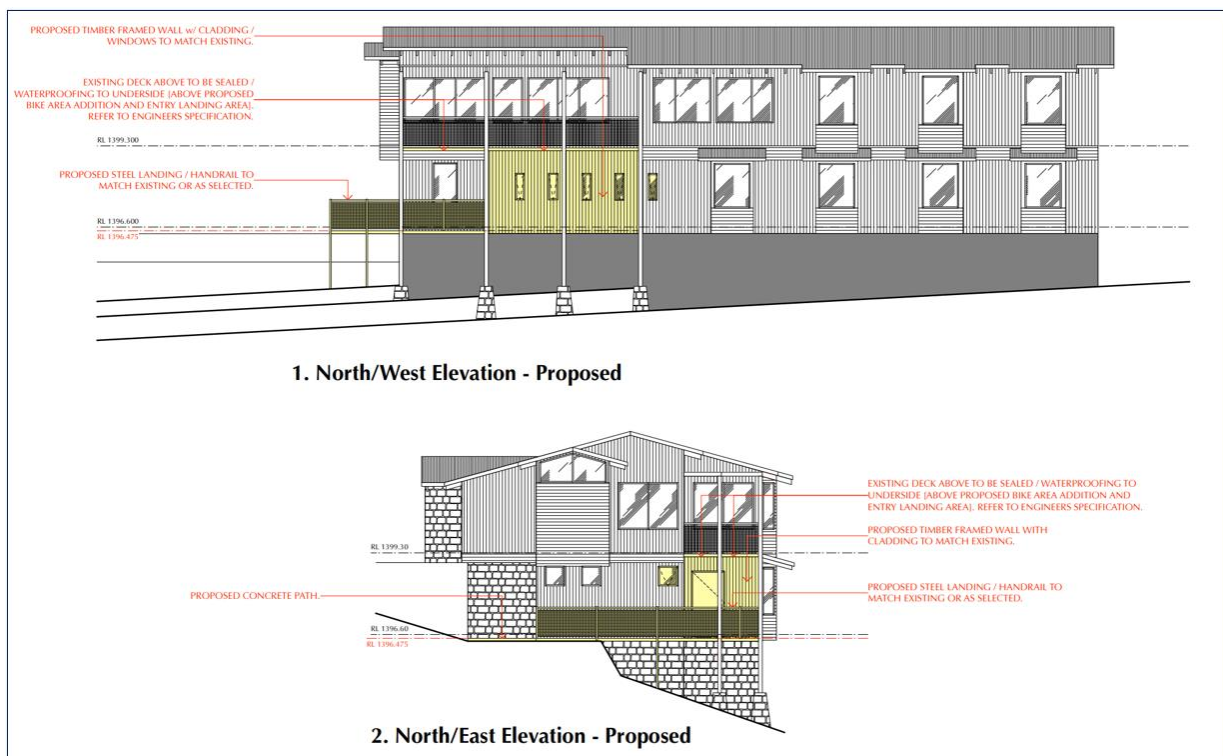


Figure 3 | Elevation plan identifying proposed footpath and access structures (Source: Applicant's SEE 2025)

Additionally, the Applicant proposes a change of use to a store room on the lower level to a single-occupier unit (SOU) for use as a manager's suite, and an expansion of an existing WC with the installation of a shower (Figure 4).

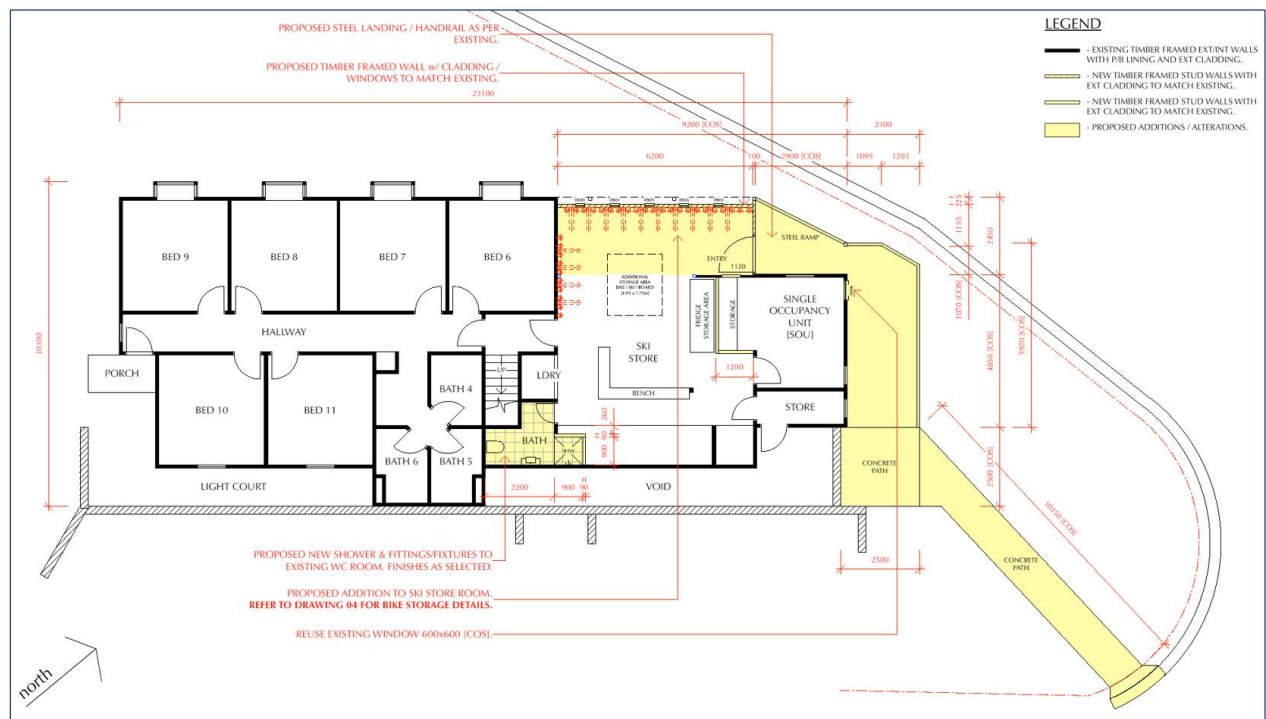


Figure 4 | Floor layout plan identifying proposed building works, change of use and path location (Source: Applicant's SEE)

The proposed cost of works for the development is \$262,610.00

Supporting documents and supporting information to this assessment report can be found on the NSW Planning Portal at:

<https://www.planningportal.nsw.gov.au/development-assessment/state-significant-applications/projects/state-development-applications>

2 Matters for Consideration

2.1 Strategic Context

South East and Tableland Regional Plan 2036

The South East and Tableland Regional Plan 2036 describes the vision, goals and actions that will deliver greater prosperity for those who live, work and visit the region. The Plan provides an overarching framework to guide more detailed land use plans, development proposals and infrastructure funding decisions. In relation to the alpine resorts, the Regional Plan seeks to promote more diverse tourism opportunities in the Snowy Mountains that will strengthen long-term resilience while acknowledging the environmental and cultural significance of the locality.

The Department considers the proposal is consistent with the Regional Plan as the proposal continues to support the improvement of the existing building, which supports visitation to the NSW ski resorts.

Draft South East and Tableland Regional Plan 2041

The draft plan was publicly exhibited originally between 8 August 2022 until 23 September 2022. The draft plan underwent extensive consultation with the community and stakeholders with feedback incorporated into an updated version of the draft plan that was re-exhibited from 9 December 2022 to 31 January 2023. The draft plan identifies the alpine areas as providing important biodiversity to the region and acknowledges the alpine area's contribution to the region's tourism economy.

The proposal is consistent with the draft Regional Plan as it will not result in adverse biodiversity impacts and supports the maintenance of visitation to Perisher Valley, along with the local and regional economy.

Snowy Mountains Special Activation Precinct Master Plan

The Snowy Mountains Special Activation Precinct Master Plan outlines the 40-year vision for the Snowy Mountains as a year-round tourist destination with new business opportunities, services and community infrastructure for the people that live, work and visit the region.

Section 9.1 relates to the Thredbo alpine resort. The proposal is consistent with the Master Plan as the works help improve and maintain the tourist accommodation facilities that sustain the Alpine Precinct as a key destination for visitors. The works support visitation activities without causing significant impacts on the environment, cultural and landscape attributes of Thredbo.

Precincts - Regional SEPP

The Precincts – Regional SEPP governs development on land within the ski resort areas of KNP. Chapter 4 of the SEPP aims to protect and enhance the natural environment, to protect cultural heritage within the resorts and to ensure that development in the resorts is managed in a way that is compatible with the principles of ecologically sustainable development. Under the provisions of section 4.27 of the Precincts – Regional SEPP, the NPWS has a commenting role as the land manager, which includes administering the Plan of Management framework for KNP that incorporates objectives, principles and policies to guide the long-term management of the KNP.

The Department considers the proposal is consistent with Chapter 4 of the Precincts – Regional SEPP as the proposal continues to contribute to tourist accommodation availability within KNP, which supports sustainable tourism in the Alpine Region. The potential impacts on the environment continue to be considered acceptable when noting the modification works and their minimal impact on the environment.

2.2 Permissibility

The proposal relates to the alterations and additions to a ski lodge while maintaining the use of the site consistent with the definition of ‘tourist accommodation’ as defined in Chapter 4 of the Precincts – Regional SEPP. Pursuant to section 4.7 of the Precincts – Regional SEPP, works relating to ‘tourist accommodation’ are permissible with consent within Thredbo Alpine Resort.

2.3 Mandatory Matters for Consideration

Objects of the EP&A Act

Table 1 | Objects of the EP&A Act

Objects of the EP&A Act	Consideration
(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State’s natural and other resources,	The proposal supports the ongoing use of the tourist accommodation through the provision of improved visitor amenities within the building, and access to the building from Diggings Terrace.
(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,	The proposal will not have an unacceptable impact on the environment, thus being compatible with ecologically sustainable development. Adverse impacts on the natural environment are not expected to occur, whereas the socioeconomic outcomes of the works are generally expected to be positive. Mitigations measures during construction have been included in the recommended conditions of consent.
(c) to promote the orderly and economic use and development of land,	The development seeks approval for works that improves visitor amenity and accessibility, enhancing the Alpine Resort experience and supporting visitation for winter and summer sport and tourism, thereby promoting the ongoing economic use of the land.
(d) to promote the delivery and maintenance of affordable housing,	Not applicable to this proposal.
(e) to protect the environment, including the conservation of threatened and other	The impacts upon the environment are limited, with works occurring on previously disturbed land and

species of native animals and plants, ecological communities and their habitats,	primarily contained within the lot boundary. No environmentally sensitive areas have been identified within the site.
(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),	The proposed development contains minimal ground disturbance, though is not anticipated to result in any impacts upon built or cultural heritage, including Aboriginal cultural heritage.
(g) to promote good design and amenity of the built environment,	The Department considers that the proposal responds to its existing setting, built form and would not adversely impact upon the natural environment.
(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,	The Department has recommended conditions of consent to ensure the construction of the proposal is undertaken in accordance with legislation, guidelines, policies and procedures (refer to Appendix A).
(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,	The Department publicly exhibited the proposal (Section 3), which included consultation with government agencies and consideration of their responses.
(j) to provide increased opportunity for community participation in environmental planning and assessment.	The Department publicly exhibited the proposal (Section 3) and displayed the application on the NSW Planning Portal website.

Considerations under section 4.15 of the EP&A Act

Table 2 | Section 4.15(1) Matters for Consideration

Section 4.15(1) Evaluation	Consideration
(a)(i) any environmental planning instrument (EPI)	<p>The Precincts - Regional SEPP is the principal EPI which applies to the site for this type of development. An assessment against the requirements of Chapter 4 of the Precincts - Regional SEPP is provided below.</p> <p>The Department is satisfied that the Application is consistent with the requirements of Chapter 4 of the Precincts - Regional SEPP.</p>
(a)(ii) any proposed instrument	Not applicable to the proposal.

(a)(iii) any development control plan	Not applicable to the proposal.
(a)(iiia) any planning agreement	Not applicable to the proposal.
(a)(iv) the regulations	<p>The application satisfactorily meets the relevant requirements of the EP&A Regulation, particularly the procedures relating to development applications (Part 3 and Part 4) and fees (Part 13 and Schedule 4).</p> <p>The Department has undertaken its assessment in accordance with all relevant matters as prescribed by the regulations, the findings of which are contained within this report.</p>
(a)(v) any coastal zone management plan	Not applicable to the proposal.
(b) the likely impacts of that development	The Department considers the likely economic and social impacts of the development to be positive and that the environmental and cultural values of the site and locality will be maintained.
(c) the suitability of the site for the development,	The site is suitable for the development and supports the ongoing use of the building.
(d) any submissions made in accordance with this Act or the regulations,	Consideration has been given to agency discussions during the assessment of the application. See Section 3 of this report.
(e) the public interest.	<p>The works are consistent with the aims and objectives of Chapter 4 of the Precincts – Regional SEPP. The development seeks to improve tourist accommodation. Tourist amenities support visitation, which underpins the viability of the Alpine Resorts. The works will be undertaken in a way to avoid adverse impacts on the environment.</p> <p>As such, the proposal is believed to be in the public interest.</p>

Environmental Planning Instruments

State Environmental Planning Policy (Precincts - Regional) 2021 (Precincts - Regional SEPP) is the principal EPI applicable to the development. Consideration of Chapter 4 of the Precincts - Regional SEPP (in effect at the time of lodgement, as since amended) is provided in **Table 3**.

The works occur within the existing building footprint or involve minimal earthworks (footings for the extension and installation of the new path). The works are not of a nature relating to potential land contamination that are considered likely to pose an unacceptable risk to human health or the environment. Given the age of the building, conditions relating to the removal of any asbestos or other hazardous material found on the site will be applied. There are no records of contamination within the site relevant to the proposal, and the intended development is considered suitable. There are no further matters under *State Environmental Planning Policy (Resilience and Hazards) 2021* that need to be considered.

Table 3 | Chapter 4 considerations

Chapter 4 - Precincts - Regional SEPP - Kosciuszko Alpine Region	
Section 4.9 Demolition	
The demolition of a building or work on land in the Alpine Region	Minor demolition works are to occur on site, including the removal of the ground floor north wall, existing access ramp and ancillary structures.
Section 4.21 Heritage conservation	
European heritage	The proposal would not impact on any European heritage items.
Aboriginal heritage	<p>NPWS raised no concerns with the proposal, with consideration against Aboriginal heritage following a suitable process.</p> <p>NPWS recommended that, in the event that an Aboriginal object is uncovered during completion of the works, that work ceases in the relevant area of the subject site and that the object is protected from harm. NPWS must then be notified to arrange for assessment of the object.</p>
Section 4.24 Flood planning	
Development on land in the flood planning area	The site is not located in a flood planning area and is not subject to flooding.

Section 4.25 Earthworks

Impact of earthworks

The exterior works relate to the demolition of an existing wall, expansion of the existing storage space, demolition and replacement of access ramps and access path.

The Department considers that the proposed works will not cause major disruption to, or adverse impact on, soil stability in the locality of the development. Works will be undertaken to avoid impacts on the environment or loss of amenity to adjacent tourist accommodation.

Conditions of consent will require appropriate site management measures to be in place in accordance with NPWS Guidelines.

Section 4.27 Consultation with National Parks and Wildlife Service

Consult with, and consider submissions from, the NPWS

The proposal was referred to NPWS and comments were received. Refer to consideration of NPWS referral comments in **Section 3** of this report.

Section 4.28(1) – Consideration of master plans and other documents

(a) the aim and objectives of this policy, as set out in section 4.1

The proposal is consistent with the aim and objectives of Chapter 4 of the Precincts – Regional SEPP in that the development will be managed with regard to the principles of ESD and have a minimal impact on the environment while providing improved visitor accommodation.

(b) *(repealed in November 2023)*

(c) a conservation agreement under the *Environment Protection and Biodiversity Act 1999* of the Commonwealth that applies to the land,

Not applicable to the development.

(d) the *Geotechnical Policy -Kosciuszko Alpine Resorts* published by the Department in November 2003,

The site is located within the G zone identified on the Department's *Geotechnical Policy – Kosciuszko Alpine Reports*, Thredbo Map.

In accordance with the Policy, a Geotechnical Assessment Report has been provided with the application, together with a Form 1 to certify that a

suitably qualified geotechnical engineer or engineering geologist has prepared the report.

(e) for development in the Perisher Range Alpine Resort—

Not applicable, as site is located within Thredbo Alpine Resort.

(i) the Perisher Range Resorts Master Plan, published by the National Parks and Wildlife Service in November 2001 and

(iii) the Perisher Blue Ski Resort Ski Slope Master Plan adopted by the National Parks and Wildlife Service in May 2002.

Section 4.29 Consideration of environmental, geotechnical and other matters

Under section 4.29(1) - In deciding whether to grant development consent to development in the Alpine Region, the consent authority must consider the following -

(a) measures proposed to address geotechnical issues relating to the development,

Refer to comments above.

(b) the extent to which the development will achieve an appropriate balance between -

The proposed works have been designed to avoid and mitigate impacts on the natural environment. The land is not subject to flooding. Measures to protect against bushfire are required in accordance with the Bush Fire Safety Authority that relates to the site. The land is identified as being in an area of geotechnical sensitivity. Natural hazards have been adequately addressed.

(i) the conservation of the natural environment, and

(ii) taking measures to mitigate environmental hazards, including geotechnical hazards, bush fires and flooding,

(c) the visual impact of the proposed development, particularly when viewed from the land identified as the Main Range Management Unit in the Kosciuszko National Park Plan of Management,

The proposed works do not increase the overall setbacks of the building, being constructed below and in line with the upper level of the building. The proposed access structures are in replacement of existing access infrastructure and should not result in an adverse visual impact.

(d) the cumulative impacts of development and resource use on the environment of the Alpine Subregion

No adverse cumulative impacts are anticipated from the proposed development. The proposed development will not increase bed numbers, and consequently will not facilitate additional accommodation of visitors. The development will not result in any changes to resource

in which the development is carried out,	use or impact the service and waste systems, and facilities in place to support development and visitor patronage of facilities in the Alpine Resorts.
(e) the capacity of existing infrastructure and services for transport to and within the Alpine Region to deal with additional usage generated by the development, including in peak periods,	No additional usage of the infrastructure and service network is predicted as a result of the project.
(f) the capacity of existing waste or resource management facilities to deal with additional waste generated by the development, including in peak periods.	The project will involve the generation of construction waste. The capacity of existing waste facilities to deal with any waste from the project is considered adequate.
Under section 4.29(2) - For development involving earthworks or stormwater draining works, the consent authority must also consider -	
Measures to mitigate adverse impacts associated with the works	<p>Onsite stormwater drainage works are required to support the development, including a new dripline for the building and associated stormwater infrastructure below (located within the Hi Noon Ski Club lease area) to mitigate sediment runoff and impacts to the retaining wall. Additionally, stormwater infrastructure to support the path and ensure that water accumulation does not occur, as recommended in the Road Safety Assessment prepared by Greys Australia, is required.</p> <p>Conditions of consent have been recommended by the Department which require the design and development of the required dripline and stormwater infrastructure be prepared by an appropriately qualified and practicing stormwater or civil engineer to the satisfaction of the Certifier.</p> <p>Stormwater requirements are detailed further in Section 4 of this report.</p>
Under section 4.29(3) - For development the consent authority considers will significantly alter the character of an Alpine Subregion, the consent authority must also consider -	
(a) the existing character of the site and immediate surroundings, and	The development will not significantly alter the character of an Alpine Subregion, or the character of the site and immediate surroundings.

- (b) how the development will relate to the Alpine Subregion. As above.

Section 4.30 Kosciuszko National Park Plan of Management

Consistency between the development and the Kosciuszko National Park Plan of Management (KNP POM)

The development provides an expansion to the existing building with materials and finishes to match the existing, additional ski and bike storage for guests, as well as a safer path with egress onto the corner of Diggings Terrace and Banjo drive.

The Department considers that approval of the proposal would not be inconsistent with the KNP POM.

Ecologically Sustainable Development (ESD)

The EP&A Act adopts the definition of ESD found in the *Protection of the Environment Administration Act 1991*. ESD initiatives and sustainability have been adequately considered by the Applicant and mitigation measures are proposed to be incorporated into the design.

The proposal is consistent with ESD principles and the Department is satisfied the proposed minor works have been developed having regard to ESD principles, in accordance with the objects of the EP&A Act as follows:

- the proposal is not expected to adversely impact upon the health, diversity, or productivity of the environment for future generations
- works do not include excavation or vegetation removal, and will occur on land that is previously disturbed.
- the proposal does not impact upon cultural heritage, including Aboriginal cultural heritage

Biodiversity Conservation Act 2016

Section 1.7 of the EP&A Act requires the application of the *Biodiversity Conservation Act 2016* (BC Act) in connection with the terrestrial environment. The BC Act introduced a Biodiversity Offsets Scheme (BOS) that applies when:

- the amount of native vegetation being cleared exceeds a certain threshold area; or
- the impacts occur within an area mapped on the Biodiversity Values Map (BVM) published by the Minister for Environment; or
- the 'test of significance', in section 7.3 of the BC Act, identifies that the development or activity is likely to significantly affect threatened species or ecological communities, or their habitats; or
- the works are carried out in a declared area of outstanding biodiversity value.

The site is predominantly managed land, with the existing ski lodge being the primary infrastructure on the site. The remaining area contains managed lawns with disturbed grass, and a scattering of trees

surrounding the building. There are no proposed impacts to vegetation and therefore the Biodiversity Offset Scheme would not be triggered.

The Department has reviewed the mapping and considers the site to be located outside of the BVM.

The Department has formed the view that, given the proposed works would only impact previously disturbed grassland, the proposal will not have a significant effect on threatened species or ecological communities, or their habitats.

The RFS requires that all land within the subject leasehold site be managed as an inner protection area (IPA) in accordance with Appendix 4 of *Planning for Bush Fire Protection 2019* (PBP 2019). The Department has recommended a condition required that where any vegetation management is required, discussions involving an onsite inspection are to occur between the Applicant and the NPWS (Environment Liaison Officer on 0423 902 810) prior to vegetation works being carried out.

The Department notes that there is currently no declared area of outstanding biodiversity value within KNP.

2.4 Other approvals

Rural Fires Act 1997

As the works include external alterations to a tourist accommodation building located on bushfire prone land, an approval is required from the NSW Rural Fire Service (RFS) under Section 100B of the *Rural Fires Act 1997* in the form of a Bush Fire Safety Authority. Refer to **Section 3** for further discussion on this component.

3 Engagement

3.1 Department's engagement

The Department's Community Participation Plan, April 2024, prepared in accordance with Schedule 1 of the EP&A Act generally requires applications to be exhibited for a period of fourteen (14) days. However, applications under Chapter 4 of the Precincts - Regional SEPP are not required to be public exhibited if the proposal relates to works which are wholly internal to a building or where the site is located more than fifty (50) metres away from a tourist accommodation building.

As the works include external alterations to an existing building, the Department exhibited the application between 05 December 2024 and 10 January 2025, with the application made publicly available on the NSW Planning Portal website. The Department also notified tourist accommodation owners within fifty (50) metres of the development site.

The application was sent to NPWS for comments, pursuant to section 4.27 of Chapter 4 of the Precincts – Regional SEPP. Subject to Section 4.46 of the EP&A Act (integrated development), the application was also referred to the NSW Rural Fire Service (RFS) as a Bush Fire Safety Authority (BFSA) is required for the development to be carried out.

3.2 Summary of submissions

The RFS did not object to the proposal and has issued a BFSA under clause 100B of the *Rural Fires Act 1997*.

NPWS provided comments and recommended conditions of consent relating to site environmental management measures, including the adoption of a Site Environmental Management Plan (SEMP), plumbing and drainage works, impacts to Aboriginal cultural heritage, and bed number allocation requirements.

One (1) submission in support was received from the public.

3.3 Request for Additional Information

The Department issued a request for additional information to the Applicant seeking the following:

- an assessment against Section 1 of the Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales | NSW Environment and Heritage has not been provided;
- an assessment of the tree impacted by the proposed path has not been provided;
- landowners' consent from Kosciuszko Thredbo has not been provided for works occurring outside of the lot boundary;
- an assessment of traffic impacts has not been provided;
- the SEE makes incorrect delegation and EPI references; and
- architectural plans are missing key information.

3.4 Response to Request for Additional Information

The Applicant provided a response to the Department, including a Due Diligence Assessment, landowners consent from Kosciuszko Thredbo Pty Ltd, documentation identifying that the proposed path would not impact the existing tree and site infrastructure, and additional revised documentation including a Road Safety Assessment.

After a preliminary assessment was completed, the Department raised additional concerns with the location of the footpath, noting that the site plan remained inconsistent with the survey plan which identified that the path would impact the tree, light post and street signage.

The Department met with the Applicant and a representative from Kosciuszko Thredbo to resolve the matter. The Department stated that the site plan required amending to be consistent with the survey plan and the intended footpath location and noted that additionally clarification would need to be sought from technical specialists to whether the revised path location would impact their assessment.

In response to the Department's additional concerns, the Applicant provided further information, including a revised site plan consistent with the survey plan illustrating the intended location of the proposed path and amended documentation from technical specialists which accounted for the plan corrections.

Additional discussions have been held with the Applicant and also Kosciuszko Thredbo Pty Ltd in relation to meeting traffic recommendations either on the subject site or on the adjoining Diggings Terrace / Banjo Drive. Refer to **Section 4** for additional information.

4 Assessment

The Department has considered the relevant matters for consideration under section 4.15 of the EP&A Act, the SEE and supporting information in its assessment of the proposal. The key issues in the Department's assessment are:

- path and connection to adjoining road
- design details and standards
- construction compliance
- managing construction impacts and hazards

Each of these issues is discussed in the following sections of this report.

4.1 Path and connection to adjoining road

Access path from road edge to new entry

To support the development, a revised accessway is required in replacement of the existing access structures.

Pedestrian access to the lodge currently occurs via a footpath and stair connector from Diggings Terrace. The Applicant states that the existing accessway does not support cyclists and can be unsafe during heavy operation of the road network.

The Applicant proposes to remove the existing concrete path, access and ancillary structure and provide a new path which egresses to the corner of Diggings Terrace and Banjo Road (**Figure 5** and **6**). The new access path is proposed to be constructed of concrete, with the access structure to comprise of metal walkways and balustrades to wrap around the existing building.



Figure 5 | Site context of the existing and proposed footpath with estimated sketch up (Source: Department site visit 2025)

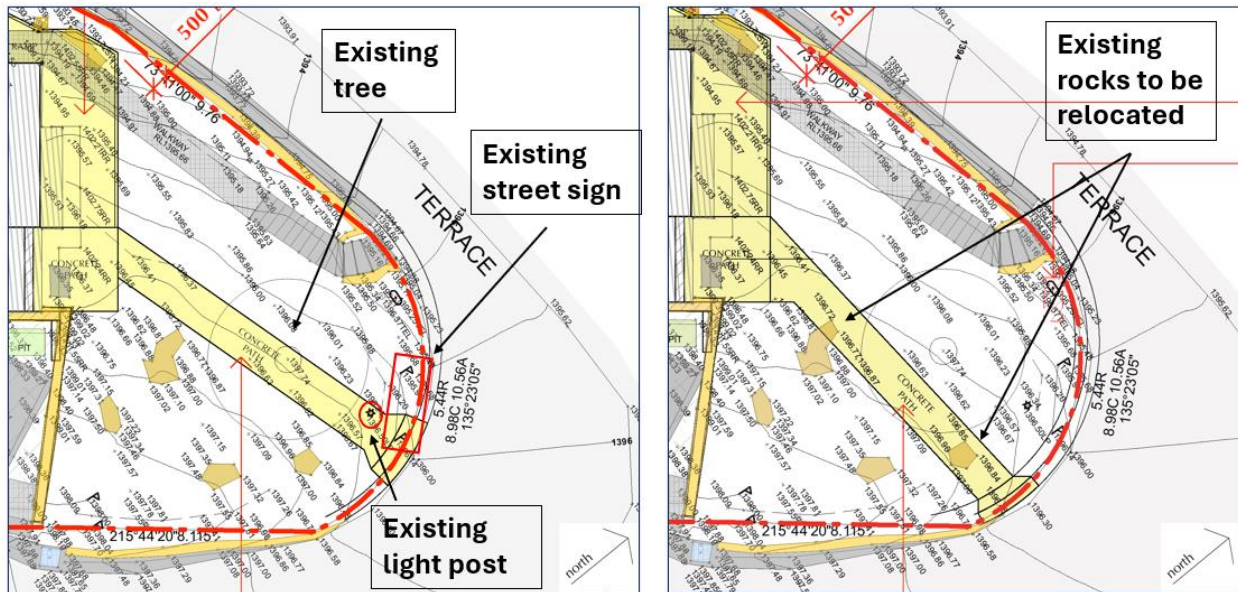


Figure 6 | Proposed concrete path location comparison (Source: Applicant's SEE 2024 (left) and 2025 (right))

Additional footings are required for the access structures, with a geotechnical report and Geotechnical Form 1 provided in support of the application.

The application is also supported by a Section J BCA Report and a BCA and Access Performance Solution Report prepared by J² Access Consulting which identify that sections of the access path do not meet minimum width requirements (at the turning point adjoining the existing lodge which narrows less than 1.5 metres in width). The Reports identify that, in consideration of the minimum door widths on a continuous accessible path of travel under the BCA and the existing access stair requirements, the continuous path of travel between the boundary and entrance to the building would provide access that is necessary and satisfies the requirements of Performance Requirement D1P1.

In the Department's Request for Additional Information, concern was raised that the proposed path alignment would impact an existing tree, light post and street sign, and requested the Applicant provide additional details including an Arboricultural Impact Assessment and consent from Kosciuszko Thredbo Pty Ltd for the removal of the sign and light post. The Applicant responded to the Department's concerns, stating that the path would not impact the existing tree, light post and sign and provided revised architectural plans which detail the correct path alignment.

The Department assessed the revised alignment, noting that the path would require the removal of existing rocks in the Hi Noon Ski Club allotment. The Applicant noted that the rocks were placed by Kosciuszko Thredbo Pty Ltd and were not native to the site, and stated that they would be moved to an appropriate area within the lot boundary.

Pedestrian safety and traffic management

The Department raised concerns in the Request for Additional Information with the safety of the egress onto the corner, and requested a Traffic Assessment be prepared to identify proposed impacts to pedestrian, cyclists and vehicle safety. Additionally, the Department noted that the proposed path would impact an existing tree, light post and street sign, and recommended the Applicant confirm their path alignment and update their architectural plans appropriately.

A Road Safety Assessment report was prepared by Greys Consulting. The Road Safety Assessment provided recommendations to address identified safety issues and ways to enhance the safety of the proposed concrete path and connecting road network. These recommendations included:

- ensure that no new structures or natural elements obstruct sightlines and to clear foliage or reposition structures as needed for optimal visibility
- monitor speeding patterns in the neighbourhood, particularly during winter time. Consider implementing additional traffic calming measures, such as speed humps or signage, to maintain safe speeds around the access point if necessary
- provide street lighting, double barrier line delineation at the hairpin and pedestrian signage at both approaches to the bend
- to enhance road safety during icy conditions, apply textured or anti-slip treatments to ramps, ensure regular snow removal and de-icing, implement effective drainage, consider using rubber or plastic mats, and advise cyclists to dismount when using access ramps
- consider pavement rehabilitation and maintenance at Banjo Drive and Diggings Terrace (**Figure 7**), particularly in wintertime



Figure 7 | Existing pavement adjoining the site (Source: Applicant's Road Safety Assessment)

Overall the Road Safety Assessment states that *the proposed replacement of the metal ramp with a concrete access ramp offers several safety improvements, including better sightlines and enhanced pedestrian and vehicular separation. By addressing potential hazards such as vehicle speeds and winter*

conditions, the new design will support safer and more efficient access for skiers, cyclists, and pedestrians. Ongoing maintenance and monitoring will ensure these safety measures remain effective.

The Department forwarded the recommendations to Kosciuszko Thredbo Pty Ltd for comment noting three of the five recommendations include works to the adjoining road outside of the subject site which is managed by Kosciuszko Thredbo Pty Ltd as the head lessee for Thredbo Alpine Resort.

Kosciuszko Thredbo Pty Ltd advised that the recommendations outside of the subject site are noted, however are either unnecessary given the slow speeds within the Thredbo Village; will be undertaken separately to this application (such as line marking and pavement rehabilitation upgrades following the development of this site and the opposite Black Bear development), or are appropriately managed under their internal management measures.

Following discussions with Kosciuszko Thredbo Pty Ltd, the Department recommended the Applicant engage Greys Australia to amend the Road Safety Assessment in consultation with Kosciuszko Thredbo Pty Ltd, to determine appropriate and actionable recommendations which suit the Alpine environment, and the upgrade strategies and timeline provided by Kosciuszko Thredbo Pty Ltd.

To facilitate an outcome for the proposal, the Department met with the Applicant, Kosciuszko Thredbo Pty Ltd, and Greys Australia on 11 February 2025 to discuss the revision of recommendations contained in the Road Safety Assessment. Greys Australia stated that they are unable to make changes to recommendations within the Road Safety Assessment, and that the management and implementation of the recommendations are at the discretion of Kosciuszko Thredbo Pty Ltd, the Applicant and the relevant Authority. The Department stated that the recommendations provided within the Road Safety Assessment were critical to ensuring the safety of pedestrians and cyclist egressing onto the road, and proposed draft conditions of consent in order to finalise the assessment of the application.

The Applicant raised concerns with the recommended draft conditions and further discussions were undertaken in order to reach a resolution on the implementation of the recommendations. As part of the discussions, Kosciuszko Thredbo Pty Ltd providing a letter to the Department outlining their concerns with the Department's conditions and the implications it raises for the lodge, as well as their own upgrade and management schedules.

The Department's Chief Engineer was subsequently engaged and visited the site to determine an approach noting the stalemate in the discussions and who is responsible to satisfy the recommendations within the Road Safety Assessment. The Chief Engineer reviewed the site conditions against the recommendations in the Road Safety Assessment, the previous letter provided by Kosciuszko Thredbo Pty Ltd and recommended the separation of the responsibility of matters between the Applicant and Kosciuszko Thredbo Pty Ltd.

During discussions on the finalisation of draft conditions, Kosciuszko Thredbo Pty Ltd advised that a pedestrian sign would be installed on the Banjo Drive approach to the intersection to address one of the Road Safety Assessment recommendations. The Department supports this installation.

The remaining matters to be addressed by Hi Noon (i.e. lighting, signage, path connections onto the roadway) are to be addressed through conditions requiring information prior to the issue of the relevant construction certificate. Other matters (i.e. pavement rehabilitation, line marking, monitoring of speeds) are to be addressed separately by Kosciuszko Thredbo Pty Ltd.

The Department considers that, subject to compliance with the above conditions of consent and with the appropriate implementation of the remaining recommendations of the Road Safety Assessment by

Kosciuszko Thredbo Pty Ltd, the proposed development is satisfactory and provides an improved accessway for Hi Noon Ski Club.

4.2 Design details and standards

Lodge expansion

As discussed in **Section 1**, the Applicant proposes an extension to the existing lower level to facilitate an increase to the ski storage room. The expansion would allow for additional storage, including wall-mounted bicycle storage. The expanded section of the building will utilise identical materials as the existing wall to be removed, including identical finishes (**Figure 8**).



Figure 8 | Existing ski store entrance to Hi Noon Ski Club (Source: Department's site visit 2023)

The expansion will occur within the boundary of the upper level, with sealing and waterproofing to occur to the exposed structure above. No reduced setbacks to the boundary will occur as a result.

The Department's Building Surveyor reviewed the proposal and, subject to conditions of consent, raised no concerns with the proposal.

Change of use

In response to growing needs of the lodge, the Applicant proposes to change the use of a lower-level store room to a single-occupier unit (SOU) for use as a manager's suite. The manager's suite would be independent of the existing guest occupancy rates.

NPWS provided comments on the proposal, noting that the change of use would exceed the approved bed numbers under the Hi Noon Ski Club Sublease, and that the Applicant would need to apply to Kosciuszko Thredbo Pty Ltd, as the Head Lessor, for two (2) additional beds. In response, the Applicant submitted a letter from Kosciuszko Thredbo identifying that the change of use would not vary the approved bed numbers under the Hi Noon Ski Club Sublease. Consequently, no increase to bed numbers is required.

The Department's Building Surveyor reviewed the proposal and, subject to conditions of consent, raised no concerns with the proposal.

Bathroom upgrade

To support the development, the lower-level WC is proposed to be upgraded to provide a shower that is accessible outside of guest SOU's. The upgrade would include the removal of a section of a built-in robe on the southern wall of the storage room to allow for the shower, as well as plumbing and drainage upgrades. Additionally, internal upgrades to the bathroom have been proposed to ensure BCA compliance, including the requirement for sanitary compartments to achieve an FRL of 60/60/60 in accordance with BCA Clause C2D2.

The application is supported by a Section J BCA Report and a BCA and Access Performance Solution Report prepared by J² Access Consulting which identifies that the ceiling height within the bathroom does not meet the minimum BCA requirement of 2.1 metres. Consequently, the Access Performance Solution report proposes:

- proposed internal alterations must satisfy Performance Requirement F5P1, including signage which cautions occupants to the reduced ceiling height and to be installed on the affected ceiling within the bathroom; and
- cautionary tape at the wall-ceiling junction where the height is less than the 2.1m requirement under the BCA.

The Department's Building Surveyor reviewed the proposal and, subject to conditions of consent, raised no concerns with the proposal.

Building drainage

The existing upper floor decking, located above the proposed expansion site, does not currently contain any dripline or associated stormwater infrastructure to control rainwater flow from the building (**Figure 9**). Additionally, the existing site does not contain stormwater infrastructure below the building to capture and divert any oncoming rainwater, resulting in potential sediment runoff and infrastructure damage.



Figure 9 | Existing roof design and infrastructure (Source: Department's site visit 2025)

The Department raised concerns that stormwater infrastructure had not been appropriately addressed in the application. Consequently, the Department has recommended conditions of consent that require the installation of new stormwater infrastructure in consultation with Kosciuszko Thredbo Pty Ltd, including but not limited to:

- a new roof dripline to support the flow of rainwater
- stormwater infrastructure below the required dripline, located within the Hi Noon Ski Club lease area

The Department considers that, subject to compliance with the conditions of consent, the proposed development is satisfactory and would mitigate further impacts of rainwater on the existing infrastructure and surrounding environment.

Department's Consideration

The Department considers that, subject to compliance with the conditions of consent (including references to the BCA, which are to be addressed by the Certifier at the Construction Certificate stage), the proposal is satisfactory and would improve the amenity of the building for visitors and guests.

4.3 Construction compliance

The proposed works, when constructed, are to comply with the Building Code of Australia (BCA) and relevant Australian Standards. The Department has also considered whether any upgrades to the building

are required as part of its assessment in accordance with section 64 of the EP&A Regulation 2021. The Department notes that compliance with relevant requirements is to be determined at the construction certificate stage by the certifier and in accordance with conditions of consent. Details of compliance are identified in the following sections:

BCA-NCC Guidelines

All new work (or work as part of the DA) must comply with BCA-NCC guidelines. The Department considers that compliance with the BCA-NCC is achievable, with documentation confirming compliance required to be provided at the Construction Certificate stage.

The Department has imposed further conditions relating to the development which can be identified in **Appendix A**.

Consent Authority May Require Upgrade of Buildings

Section 64 of the EP&A Regulation 2021 requires a consent authority to review a building and consider whether upgrades are warranted to bring the existing building into total or partial compliance with the BCA. Submitted in support of the application is a 'Critical Measure BCA Compliance Assessment' prepared by J² consulting Engineers that provided an assessment of the building and the proposal.

The Department has reviewed the submitted report, along with the current fire safety statement for the building. The Department has concluded that the upgrades proposed in the submitted reports are supported and would upgrade the site to meet current BCA requirements.

The Department has issued conditions of consent in response to the recommendations of the Critical Measures BCA Compliance Assessment requiring the works to be completed prior to the issue of any Occupation Certificate.

Access requirements

Compliance with the *Disability Discrimination Act 1992* (DDA), and therefore the Access to Premises Standards prepared under the DDA, is triggered at Construction Certificate stage. Ensuring compliance with the DDA is the responsibility of the building owner, manager and certifier.

As mentioned in Section 4.1, submitted in support of the application is a 'BCA and Access Performance Solution Report', prepared by J² Access Consulting that reviewed the proposal against the applicable access provisions and determined that performance solutions were required in order to facilitate the proposal (i.e. due to non-compliances with access path of travel requirements and reduced head heights in a sanitary compartment).

As above, the Department has recommended adoption of the recommendations from the supporting reports that would ensure the building owner, manager and certifier are aware of these obligations.

Wind and snow loading

Ensuring the proposal meets snow and wind loading requirements is a key consideration of the Departments assessment in the NSW Alpine environment. With adverse weather conditions at times, the fixing of the new structures to the existing building needs to be constructed appropriately. The Department has recommended that structural certification of the works be provided prior to occupation certificate.

BFSA Requirements

In accordance with BCA requirements and Section 100B of the *Rural Fires Act 1997*, the Applicant was required to seek a BFSA for the works, to be issued by RFS. The BFSA is incorporated into the conditions of the consent and compliance must be verified at the construction and occupation certificate stages.

The BFSA requires:

- at the commencement of building works, and in perpetuity, all land within the subject leasehold site shall be managed as an inner protection area (IPA) in accordance with Appendix 4 of 'Planning for Bushfire Protection 2019'.
- new construction must comply with Sections 3 and 5 (BAL 12.5) Australian Standard AS3959-2018 Construction of buildings in bushfire-prone areas or the relevant requirements of the NASH Standard - Steel Framed Construction in Bushfire Areas (incorporating amendment A - 2015). Also to comply with the construction requirements in Section 7.5 of 'Planning for Bushfire Protection 2019'.
- the existing buildings should be upgraded where practical to improve ember protection (if not already constructed to the relevant Bushfire Attack Level under Australian Standard AS3959). Improved ember protection can be achieved by undertaking some, or all of the following; enclosing all openings (excluding roof tile spaces) or covering openings with a non-corrosive metal screen mesh with a maximum aperture of 2mm. Where applicable, this includes any subfloor areas, openable windows, vents, weep holes and eaves. External doors are to be fitted with draft excluders.

Details of proposed compliance with the BFSA shall be submitted with the application for the Construction Certificate.

Department's Consideration

The Department considers that, subject to compliance with the conditions of consent (including references to the BCA, which are to be addressed by the Certifier at the Construction Certificate stage), the proposal is satisfactory and would improve the amenity of the building for visitors and guests.

4.4 Managing construction impacts and hazards

Given the scope of the works and that the site is predominantly previously disturbed, it is unlikely that the proposed construction will cause any adverse impacts upon the natural environment. The proposal is in keeping with the use of the building and the construction activities will not generate any vegetation disturbance.

The Department notes that a Site Environmental Management Plan (SEMP) was not provided for assessment. A condition of consent has been applied for the development of a SEMP in consultation with NPWS for certification prior to the issue of a construction certificate, and implementation of site environmental management measures during and post construction.

Additionally, the Department has applied conditions of consent which require the Applicant to undertake a traffic management plan in consultation with Kosciuszko Thredbo Pty Ltd, when noting the works would require scaffolding and potentially temporary road closures during construction activities.

Construction impacts will be appropriately managed, and conditions of consent have been applied to ensure that disturbance to surrounding lodges will be minimised.

The Department has recommended standard construction conditions applicable in the Alpine area, along with recommended conditions from RFS. Subject to compliance with these conditions, the Department is satisfied that the proposed works would not impact upon nearby infrastructure or the environment.

5 Recommendation

The Department has assessed the merits of the proposal in accordance with the relevant requirements of the EP&A Act. The Department's assessment concludes the proposal is acceptable as:

- there will be no impact on any threatened species, populations or ecological communities;
- the replacement of cladding, windows and roof sheeting will improve the external appearance and longevity of the building, which has declined in parts with deteriorated cladding visible;
- the proposal is appropriate and does not impact upon any other nearby properties; and
- construction impacts on the surrounding environment would be minimised as the proposal will be contained within the existing building footprint and disturbed areas.

Overall, the Department is satisfied that the proposal is suitable for the site and is in the public interest.


The Department therefore recommends that the application be approved, subject to recommended conditions. In accordance with the Minister's delegation of 09 March 2022, the Team Leader, Alpine Resorts Team may determine the application as:

- no reportable political donation has been disclosed;
- there are less than 15 public submissions in the nature of objections; and
- the application is in relation to land to which Chapter 4 of the Precincts - Regional SEPP applies.

It is recommended that the Team Leader - Assessments, Alpine Resorts Team, as delegate of the Minister for Planning:

- **considers** the findings and recommendations of this report;
- **accepts** and adopts all of the findings and recommendations in this report as the reasons for making the decision to grant consent to the application;
- **agrees** with the key reasons for approval listed in the notice of decision;
- **grants** consent for the application in respect of DA 24/17507, subject to the recommended conditions; and
- **signs** the attached Development Consent (**Appendix A**).

Recommended by:



Zac Derbyshire
Planning Officer
Alpine Resorts Team

Adopted by:



26/2/2025

Mark Brown
Team Leader - Assessments
Alpine Resorts Team
as delegate of the Minister for Planning

Appendices

Appendix A – Recommended Instrument of Consent