

Development consent

Section 4.16 of the *Environmental Planning and Assessment Act 1979*

As delegate of the Minister for Planning, under delegation executed on 9 March 2022, I approve the Development Application referred to in Schedule 1, subject to the conditions in Schedule 2.

These conditions are required to:

- prevent, minimise, and/or offset adverse environmental impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the development.



Mark Brown
Team Leader - Assessments
Alpine Resorts Team
Department of Planning Housing and Infrastructure

Jindabyne

26 February 2025

SCHEDULE 1

Development Application No.:	DA No. 24/17507
Applicant:	Hi Noon Ski Club Ltd
Consent Authority:	Minister for Planning
Site:	Hi Noon Ski Club, 12 Banjo Drive, (Lot 721 DP 1119757) Diggings Terrace and Banjo Drive (Lot 846 DP 1119757) Thredbo Alpine Resort, Kosciuszko National Park
Type of Development:	Integrated Development
Integrated Bodies:	NSW Rural Fire Service
Approved Development:	Internal and external alterations to an existing ski lodge, and change of use of an existing store room to a bedroom, as outlined in Condition A.2

DEFINITIONS

Act	means the <i>Environmental Planning and Assessment Act, 1979</i> (as amended).
Applicant	means Hi Noon Ski Club Ltd, or any person carrying out any development to which this consent applies.
Approval Body	has the same meaning as within Division 4.8 of Part 4 of the Act.
BCA	means the edition of the Building Code of Australia in force at the time of lodgement of an application for a Construction Certificate.
Certifier	has the same meaning as in Part 6 of the Act.
DA No 24/17507	means the development application lodged by the Applicant on 2 December 2024.
Department	means the Department of Planning, Housing and Infrastructure, or its successors.
Development	means the development approved pursuant to this consent, as defined in Condition A.2 and as modified by the conditions of this consent.
Director	means the Director of Regional Assessments or a delegate of the Director of within the Department.
EP&A Regulation	means the <i>Environmental Planning and Assessment Regulation, 2021</i> (as amended).
EP&A Regulation (DCFS)	means the <i>Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation, 2021</i> (as amended).
Minister	means the Minister for Planning, or nominee.
NPWS	means the National Parks and Wildlife Service, or its successors.
Non-compliance	means an occurrence, set of circumstances or development that is a breach of this consent.
Park	means the Kosciuszko National Park reserved under the <i>National Parks and Wildlife Act 1974</i> .
Precincts - Regional SEPP	means the <i>State Environmental Planning Policy (Precincts – Regional) 2021</i> (as amended), that includes Chapter 4 – Kosciuszko National Park and alpine resorts.
Principal Certifier	means the principal certifier and has the same meaning as Part 6 of the Act.
Rehabilitation Guide	means the NPWS document entitled: <i>Rehabilitation Guidelines for the Resorts Areas of Kosciuszko National Park</i> (2007) a copy of which is available at: Rehabilitation guidelines for the resort areas of Kosciuszko National Park NSW Environment and Heritage
RFS	means the NSW Rural Fire Service, or its successors.
Secretary	means the Secretary of the Department, or nominee/delegate.
Secretary's approval, agreement or satisfaction	means a written approval from the Secretary or nominee/delegate.
Site Environmental Management Plan or SEMP	means a site environmental management plan for the Subject site, prepared by the Applicant as part of Condition C.3.
Stockpile Guide	means the NPWS document entitled: ' <i>Soil Stockpile Guidelines for the Resort Areas of Kosciuszko National Park, October 2017</i> ', a copy of which can be obtained from the NPWS Resorts Environmental Services Team.
Subject site	has the same meaning as the land identified in Part A of this schedule.
Team Leader	means the Team Leader of the Alpine Resorts Team within the Regional Assessments division (or its successors) or a delegate of the Team Leader of the Alpine Resorts Team within the Department.

SCHEDULE 2

PART A – ADMINISTRATIVE CONDITIONS

A.1. Obligation to minimise harm to environment

In addition to meeting the specific performance measures and criteria established in this consent, all reasonable and feasible measures to prevent, and if prevention is not reasonable and feasible, minimise, any material harm to the environment that may result from the construction and operation of the development.

A.2. Development in accordance with approved documentation and plans

The development shall be in accordance with the:

- (a) Development Application No. DA 24/17507 and supporting documentation lodged on 2 December 2024;
- (b) additional information received during the assessment of the application;
- (c) conditions of this consent; and
- (d) approved documents in the table below (except where modified by conditions of this consent):

Ref No.	Document	Title/Description	Author / Prepared by	Dated	Document Reference
1	Statement of Environmental Effects (SEE)	Development Application for Alterations & Additions to an Existing Ski Club Lodge at Lot 721 DP1119757 12 Banjo Drive, THREDBO.	Diverse Project Solutions	24 January 2025	5533_SEE 3 Rev. 3
2	Report	Proposed Bike/Ski Storage Area and New Entry Ramp Geotechnical Investigation	Assetgeoenviro	18 January 2025	7404-R1 Rev. 2
3	Form 1	Geotechnical Policy - Kosciuszko Alpine Resorts Form 1 - Declaration and certification made by geotechnical engineer or engineering geologist in a geotechnical report	Assetgeoenviro	18 January 2025	-
4	Report	Hi Noon Ski Club 12 Banjo Drive, Thredbo Proposed Concrete Access Ramp Road Safety Assessment	Greys Australia Pty Ltd	04 February 2025	P2094 Version 003

5	Report	Performance Based Design Brief	J ² Access Consulting	06 January 2025	3430 Rev. C Final
6	Report	Critical Measure BCA Compliance Assessment	J ² Access Consulting	04 February 2025	3430 Rev. F Final
7	Report	BCA and Access Performance Solution Report	J ² Access Consulting	06 January 2025	3430 Rev. B Final
8	Report	NCC 2022 Building Code of Australia, Volume 1, 'Deemed-To-Satisfy' Compliance – Section J Report (NSW Version) Proposed Alterations & Additions to an Existing Ski Club	Max Brightwell	October 2024	-
9	Report	Section two – Bush Fire Assessment Report	Paul Kupacz	-	-
10	Plan	Services Plan	Kosciuszko Thredbo Pty Ltd	19 June 2024	Rev. A
11	Plan	Cover Page	TZ Design	-	-
12	Plan	Notes	TZ Design	-	-
13	Plan	Site Plan	TZ Design	04 February 2025	353-01 Rev. L
14	Plan	Lower Level Floor Plan - Existing	TZ Design	09 December 2024	353-02 Rev. L
15	Plan	Lower Level Floor Plan – Proposed	TZ Design	04 February 2025	353-03 Rev. L
16	Plan	Plan Detail – Bike Storage Area	TZ Design	09 December 2024	353-04 Rev. L
17	Plan	Elevations 1 & 2 – Existing	TZ Design	09 December 2024	353-05 Rev. L
18	Plan	Elevations 1 & 2 - Proposed	TZ Design	09 December 2024	353-06 Rev. L
19	Plan	Int Elevation – Bike Storage Area	TZ Design	09 December 2024	353-07 Rev. L

20	Plan	Lower Level Electrical Plan - Proposed	TZ Design	04 February 2025	353-08 Rev. L
21	Plan	Cover Page	Practical Engineering Solutions P/L	08 August 2024	20230727A V1
22	Plan	Notes	Practical Engineering Solutions P/L	08 August 2024	12.07.2024 V1
23	Plan	Footing and Path Plan	Practical Engineering Solutions P/L	08 August 2024	20230727A V1
24	Plan	Path Long Section	Practical Engineering Solutions P/L	08 August 2024	20230727A V1
25	Plan	Framing Plan	Practical Engineering Solutions P/L	08 August 2024	20230727A V1
26	Plan	Sections Floor	Practical Engineering Solutions P/L	08 August 2024	20230727A V1
27	Bush Fire Safety Authority (BFSA)	S100B – SFPP – Other Tourist Accommodation 12 Banjo Drive, Thredbo NSW 2625 721/DP1119757	NSW Rural Fire Service	09 January 2025	DA202412 01005022-Original-1
28	Email	Architectural Plan Slight Correction of Displayed Path Position	Assetgeoenviro	4 February 2025	-
29	Letter	Engineers Advice on Path Changes	Practical Engineering Solutions P/L	3 February 2025	-

Note: In accordance with section 24(3)(a) of the EP&A Regulation, a Development Application is lodged on the day on which the fees payable for the Development Application under the EP&A Regulation are paid, including the integrated development fees.

A.3. Inconsistency between documents

The conditions of this consent prevail to the extent of any inconsistency, ambiguity or conflict between them and a document listed in Condition A.2. In the event of an inconsistency, ambiguity or conflict between any of the documents listed in Condition A.2, the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

A.4. Lapsing of consent

This consent lapses five years after the date of consent unless work for the purposes of the Development is physically commenced.

A.5. Prescribed conditions

All works shall comply with the prescribed conditions of development consent as set out in Part 4, Division 2 of the EP&A Regulation. In particular, your attention is drawn to:

- (a) section 69, Compliance with Building Code of Australia; and
- (b) section 70, Erection of signs during building and demolition works.

A.6. Australian standards

All works which are part of the Development must be carried out in accordance with current Australian Standards.

A.7. Legal notices

Any advice or notice to the consent authority shall be served on the Secretary.

A.8. Non-Compliance notification

The Department must be notified in writing to compliance@planning.nsw.gov.au and alpineresorts@planning.nsw.gov.au within seven days after the Applicant becomes aware of any Non-compliance. The Principal Certifier must also notify the Department in writing to compliance@planning.nsw.gov.au and alpineresorts@planning.nsw.gov.au within seven days after they identify any Non-compliance.

The notification must identify the Development and the application number for it, set out the condition of consent that the Development is Non-compliant with, the way in which it does not comply and the reasons for the Non-compliance (if known) and what actions have been, or will be, undertaken to address the Non-compliance.

A Non-compliance which has been notified as an incident does not need to also be notified as a Non-compliance.

A.9. Excluded development

This development consent does not approve any car parking on Lot 721.

PART B – PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

B.1. Construction certificate

Building and demolition works must not commence until a relevant construction certificate has been issued. Prior to the issue of the construction certificate, the Certifier must be satisfied that the documentation for the construction certificate demonstrates compliance with the conditions in Part B of this consent.

If the Department is not appointed as the Certifier, the Applicant must provide a copy of the construction certificate to the Department within 2 days of it being issued by the Principal Certifier.

B.2. Documentation for the construction certificate

The proposed works must comply with the applicable performance requirements of the BCA to achieve and maintain acceptable standards of structural sufficiency, safety (including fire safety), health and amenity for the ongoing benefit of the community. Compliance with the performance requirements can only be achieved by:

- (a) complying with the deemed to satisfy provisions; or
- (b) formulating a performance solution which:
 - (i) complies with the performance requirements;
 - (ii) is shown to be at least equivalent to the deemed to satisfy provision; or
 - (iii) a combination of (i) and (ii).

B.3. Structural drawings and design statement

Prior to the issue of the relevant construction certificate, the Applicant must submit structural drawings and a design statement, prepared and signed by an appropriately qualified practising structural engineer, to the Certifier.

B.4. Building works plan and specifications

Appropriate building work plans and specifications are required to be submitted to the Certifier to form part of the development, including the following:

- (a) Detailed building work plans, drawn to a suitable scale and consisting of a block plan and general plan that show the following:
 - (i) a plan of each floor section;
 - (ii) a plan of each elevation of the building;
 - (iii) the levels of the lowest floor, an unbuilt yard or area that belongs to the lowest floor and the adjacent ground; and
 - (iv) the height, design, construction and provisions for fire safety and fire resistance, if any and
- (b) building work specifications that:
 - (i) describe the construction and the materials to be used to construct the building ; and
 - (ii) describe the method of drainage, sewerage and water supply; and
 - (iii) state whether the materials to be used are new or second-hand and contain details of any second hand materials to be used; and
- (c) a description of an accredited building product or system sought to be relied on for the purposes of the Act, section 4.15(4); and
- (d) a copy of a compliance certificate to be relied on; and
- (e) if the development involves building work to alter, expand or rebuild an existing building – a scaled plan of the existing building.

B.5. Appointment of engineer – structural adequacy of existing structure

An appropriately qualified practising Structural Engineer shall be engaged to carry out the inspection required by Condition D.23 and E.9. The name and contact details of the engineer shall be provided to the Certifier prior to the issue of the construction certificate.

If the Department is not the Certifier, the Certifier is to provide a copy of the information to the Department with the copy of the construction certificate.

B.6. Existing and proposed fire safety measures

Prior to the issue of the construction certificate, the Applicant shall provide to the Certifier:

- (a) a list of any existing fire safety measures provided in relation to the land or any existing building on the land, and
- (b) a list of the proposed fire safety measures to be provided in relation to the land and any building on the land as a consequence of the building work.

B.7. Building fire safety upgrades

The existing building shall be upgraded in accordance with J2 Access Consulting, Critical Measure BCA Compliance Assessment report, dated 4 February 2025. Existing linings and any penetrations through linings separating the ground floor and first floor above the ski storage room, bathroom and sole occupancy unit shall be verified as achieving the appropriate fire resistance of BCA section C3D10. Design documentation shall be submitted to the Certifier prior to issue of a construction certificate.

B.8. Building facilities – disability access

Unless otherwise specified by means of a performance solution, provision of building facilities and improvements shall be in accordance with Section D and F of the NCC-BCA and relevant accessibility legislation including the Disability (Access to Premises Buildings) Standards 2010. Design documentation shall be submitted to the Certifier prior to issue of a construction certificate.

B.9. Hydraulic plan

Prior to the issue of the relevant construction certificate, a hydraulics plan in accordance with the relevant and current Australian Standards and design statement, prepared by a suitably qualified tradesperson, shall be submitted to the satisfaction of the Certifier.

If the Department is not the Certifier, a copy of the documentation shall be submitted to the Department with the construction certificate.

Please note: a suitably qualified tradesperson means a person holding a valid tradesperson certificate.

B.10. Stormwater drainage plan

Prior to the issue of the relevant construction certificate relating to external building work, a stormwater drainage plan and design statement prepared and signed by an appropriately qualified and practising stormwater or civil engineer, shall be submitted to the satisfaction of the Certifier following endorsement from, and consultation with Kosciuszko Thredbo Pty Ltd.

The plan shall address the following:

- (a) the stormwater system shall be designed in consultation with Kosciuszko Thredbo Pty Ltd and evidence of consultation shall be provided;
- (b) design and implementation of new stormwater infrastructure under the required dripline, including evidence that the new infrastructure will remain inside the lot boundary;

- (c) design and implementation of new stormwater infrastructure to support the concrete path, as recommended in the Road Safety Assessment prepared by Greys Australia Pty Ltd and dated 4 February 2025 (Condition A.2)
- (d) Kosciuszko Thredbo Pty Ltd provide confirmation that the drainage system that the development is to connect to is capable of handling the stormwater generated by the development and the discharge points are appropriate; and
- (e) existing and proposed volume calculations of the stormwater system shall be provided.

Details of each of the above shall be submitted with the application for the construction certificate.

If the Department is not the Certifier, copies of the above information shall be submitted to the Department with the construction certificate.

B.11. Energy efficiency

All works shall comply with Section J of the BCA. Details indicating compliance with these requirements and a Design Statement are to be submitted to the Certifier prior to the issue of a construction certificate.

B.12. Mechanical ventilation

Prior to the issue of the relevant construction certificate, drawings and a design statement prepared by a suitably qualified tradesperson, shall be submitted to the satisfaction of the Certifier to demonstrate that the proposal complies with:

- (a) Identifies the location of the mechanical ventilation system, discharge vents (if applicable), air flow measurements and the noise rating of the fan(s) and motor(s).
- (b) The mechanical ventilation systems comply with *Australian Standard AS 1668.2 – 2024 (The use of ventilation and airconditioning in buildings – Mechanical ventilation in buildings)*.
- (c) A mechanical ventilation engineer or other suitably qualified professional is required to design the system and the installation is to be carried out by a suitably qualified trade person.

Please note: a suitably qualified tradesperson means a person holding a valid tradesperson certificate.

B.13. Environmental performance

- (a) All water associated fixtures, fitting and appliances installed in the building shall have a minimum three (3) star Water Efficiency Labelling and Standards (WELS) rating.
- (b) Energy efficiency shall be maximised within the development including, but not limited to the following:
 - (i) energy efficient options for lighting are to be installed in all cases where possible;
 - (ii) all classes of appliances that are available with an energy label or a Minimum Energy Performance Standard to be installed within the premises are to have an energy star rating of 4 stars or more (excluding clothes dryers which are to have a rating of 2.5 stars or more and gas water heaters which are to have a rating of 5 stars or more);
 - (iii) all baths, hot water pipes and ceiling spaces are to be insulated;
 - (iv) if air conditioners are installed, they are to have a variable speed compressor or inverter drive and their outdoor components are to be positioned out of direct sunlight while still allowing access to outside air.
 - (v) doors and windows are to be fitted with draught seals and weather stripping; and
 - (vi) energy efficient water heaters are to be installed, e.g. solar, heat pump or gas.

Details are to be submitted to the satisfaction of the Certifier prior to the issue of the construction certificate.

If the Department is not the Certifier, a copy of the documentation shall be submitted to the Department with the construction certificate.

B.14. Materials and Finishes

The approved materials and finishes shall be in accordance with the following, or as otherwise approved in writing by the Secretary or nominee.

Location	Material	Colour
Windows	EcoGlaze or double-glazed equivalent	Colour to match existing colour scheme
External Walls (except stone walls)	Plyco 12mm Plywood Cladding	Colour to match existing colour scheme

B.15. External walls and cladding

- (a) The external walls of all buildings must comply with the relevant requirements of the BCA.
- (b) Prior to the issue of the relevant construction certificate, the Applicant must provide the certifier with documented evidence that the products and systems proposed for use or used in the construction of external walls, including finishes and claddings such as synthetic or aluminium composite panels, comply with the requirements of the BCA.

The Applicant must provide a copy of the documentation given to the Certifier to the Secretary or nominee within seven days after the certifier accepts it.

B.16. Site Environmental Management Plan (SEMP)

Prior to the issue of any construction certificate, a SEMP must be provided to the Certifier. The plan should be prepared in consultation with NPWS and include details for site management, such as the following where relevant:

- (a) erosion and sedimentation control management detail
- (b) management of native vegetation
 - (i) All stockpile sites, including materials storage areas, parking and waste management receptors (e.g. skip bins) must be placed so as not to impact on native vegetation.
- (c) waste management
 - (i) 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.
 - (ii) The subject site is to be left clean and tidy and free of loose building debris and materials at the conclusion of daily works.
- (d) noise and vibration pollution
- (e) air pollution
- (f) fuels and chemicals
- (g) vehicle parking
 - (i) All construction vehicles must be parked in existing driveways or car parks.
- (h) emergency procedures
- (i) Rehabilitation and landscaping of the subject site must occur and be carried out in accordance with the document entitled 'Rehabilitation Guidelines for the Resort Areas of Kosciuszko National Park'

If the Department is not the Certifier, the certifier is to provide a copy of the information to the Department with the copy of the construction certificate.

B.17. Bush fire safety authority

Prior to the issue of the relevant construction certificate, the Certifier must be satisfied that the documentation for the construction certificate demonstrates compliance with the relevant conditions of the Bush Fire Safety Authority (reference Item 27 in Condition A.2).

B.18. Payment of the Long Service Levy

Prior to the issue of the construction certificate, evidence shall be submitted to the Certifier, in the form of a receipt, confirming payment of the Long Service Levy to the Long Service Payments Corporation in accordance with Section 34 of the *Building and Construction Industry Long Service Payments Act 1986*.

B.19. Geotechnical declaration and certification

Prior to the issue of the relevant construction certificate, a completed and signed Form 2 from the Department's *Geotechnical Policy – Kosciuszko Alpine Resorts* (2003) must be submitted to the Certifier. All sections of the Form 2 must be completed and signed by the appropriate person/s. If the Department is not the Certifier, the appointed Certifier is to provide a copy of the completed and signed Form 2 to the Department with the copy of the construction certificate.

A Form 2 must be submitted with each construction certificate unless otherwise approved in writing by the Secretary or nominee following receipt of advice from a geotechnical engineer.

B.20. Termite Protection

Any building works which are part of the Development must be protected from attack from subterranean termites in accordance with AS 3660 *Termite Management*. Details are to be submitted to the Certifier prior to the issue of the construction certificate.

If the Department is not the Certifier, the Certifier is to provide a copy of the information to the Department with the copy of the construction certificate.

B.21. Snow stoppers

Prior to the issue of the relevant construction certificate, sufficient details of any snow stoppers to be incorporated on the rooftop, if required, shall be submitted to the satisfaction of the Certifier.

B.22. Path design and pedestrian safety measures at entry point onto Diggings Terrace / Banjo Drive

Further design detail is required to satisfy recommendations within the Road Safety Assessment prepared by Greys Australia Pty Ltd and dated 4 February 2025.

Prior to the issue of the relevant construction certificate, the Certifier must be satisfied that the plans, details and specifications of path treatment measures and levels demonstrate compliance with the following:

- (a) be accompanied by a design statement prepared by a structural engineer:
 - (i) identifying the path and connection; and
 - (ii) addresses AS 1428 : Design for access and mobility and the BCA.

B.23. Lighting and structures

Further design detail is required to satisfy recommendations within the Road Safety Assessment prepared by Greys Australia Pty Ltd and dated 4 February 2025.

Prior to the issue of the relevant construction certificate, the Certifier must be satisfied that the plans, details and specifications demonstrate compliance with the following:

- (a) contain endorsement by a qualified engineer that the measures meet the intent of the Road Safety Assessment:
 - (i) Lighting (i.e. street lighting or path level lighting) to be provided within the boundaries of the Subject site that meets AS/NZS 1158: Road lighting - Pedestrian area. The illuminance must not impact upon adjoining lodges in accordance with Australian Standard AS 4282-1997: 'Control of Obtrusive Effects of Outdoor Lighting'.
 - (ii) The footings and structure that support the path signage to alert users of the path connection with the adjacent roadway to dismount bikes (a Class 1 retroreflective cyclists dismount sign) and be aware of vehicles.

If the Department is not the Certifier, the certifier is to provide a copy of the information to the Department with the copy of the construction certificate.

PART C – PRIOR TO THE COMMENCEMENT OF WORKS

C.1. Notification of commencement

- (a) The Applicant must notify the Department in writing, at least 48 hours prior, of the date of commencement of physical work for the Development.
- (b) If the construction of the Development is to be staged, the Applicant must notify the Department in writing at least 48 hours prior to each construction stage, of the commencement date and extent of works to be carried out for the Development in that stage.

C.2. Temporary fencing

Prior to any relevant works which are part of the Development commencing, the construction works area shall be fenced with temporary site security fencing. This fencing is to clearly delineate the construction works area and shall keep the disturbance area to a minimum. This is to restrict access and also prevent unauthorised persons entering the construction work area.

C.3. Implementation of site environmental management measures

Prior to any relevant works which are part of the Development commencing, all site environmental management measures in accordance with the approved documentation (Condition A.2), the SEMP (Condition B.16.) and these conditions of consent, shall be in place and in good working order.

C.4. Traffic and pedestrian management plan

Prior to the commencement of works, a Traffic and Pedestrian Management Plan shall be submitted to the satisfaction of Kosciuszko Thredbo Pty Ltd and the Principal Certifier. The Plan shall address, but not limited to, the following matters:

- (a) Access along Banjo Drive and Diggings Terrace for neighbouring buildings shall be maintained throughout the construction period;
- (b) The predicted traffic volumes, types and routes shall be provided;
- (c) Nomination of parking areas for construction and contractor vehicles and where this is off-site, details of how workers will access the construction site;
- (d) Nomination of ingress and egress points for vehicles needing to access the site;
- (e) Nomination of loading and unloading zones;
- (f) Identification of construction machinery required for various stages of the project;
- (g) Use of mobile cranes, excavators and other construction machinery which must be confined to within the construction zone, unless a temporary road closure approval has been obtained from Kosciuszko Thredbo Pty Ltd;
- (h) Procedures and personnel responsible for full and partial road closures; and
- (i) Any road closures must be approved and co-ordinated with Kosciuszko Thredbo Pty Ltd.

Works may not commence until a Traffic and Pedestrian Management Plan has been approved by the Principal Certifier. A copy shall be forwarded to the Department within 7 days of it being approved by the Principal Certifier.

The Applicant must comply with any Traffic and Pedestrian Management Plan approved by the Principal Certifier under this condition.

C.5. Plumbing and drainage works

Prior to the commencement of works which are part of the Development, a 'Notice of Work' must be submitted by a suitable qualified person to the plumbing regulator (NPWS Perisher Team - c/o

Chris Brooke, Senior Engineer: chris.brooke@environment.nsw.gov.au in accordance with the *Plumbing and Drainage Act 2011*.

For more information, please refer to the NPWS website:

<https://www.environment.nsw.gov.au/topics/parks-reserves-and-protected-areas/park-management/alpine-resort-management/our-services/plumbing-and-drainage>

A copy of the notice of works must also be provided to the Department.

Please note: a suitably qualified person means a person holding a NSW licence, qualified supervisor certificate or tradesperson certificate.

C.6. Demolition

Demolition work for the Development must comply with Australian Standard AS 2601-2001 The demolition of structures (Standards Australia, 2001). The work plans required by AS 2601-2001 must be accompanied by a written statement from a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard. The work plans and the statement of compliance must be submitted to the Principal Certifier before the commencement of works.

A copy of the notice of works must also be provided to the Department.

No demolition is to occur without the issue of a construction certificate.

C.7. Machinery and storage

- (a) All equipment, machinery and vehicles used during construction of the Development must be cleaned prior to entry into the Park and prior to Subject site mobilisation to ensure they are free of mud and vegetative propagules.
- (b) Equipment, machinery and vehicles must be regularly maintained and manoeuvred to prevent the spread of exotic vegetation. Storage of equipment, machinery, vehicles and material is to be restricted to existing disturbed areas and not be stored on native vegetation.

C.8. Vegetation management

Where existing vegetation is to be trimmed or removed in order to comply with this consent to meet the requirements within the BFSAs issued by the NSW Rural Fire Service, 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. Details demonstrating compliance with the above are to be provided to the Principal Certifier.

C.9. Termite protection

The building shall be protected from attack from subterranean termites in accordance with AS 3660 *Termite Management*. Details are to be submitted to the Principal Certifier prior to the commencement of works.

If the Department is not the Principal Certifier, a copy of the documentation shall be submitted to the Department within 7 days of it being submitted to the Principal Certifier.

C.10. Pre-commencement compliance report

Prior to the commencement of works which are part of the Development, the Applicant must submit to the Principal Certifier a report addressing compliance with all conditions contained in sections B and C of this consent pertaining to those works. A copy of this compliance report must be submitted to the Department within 7 days of it being submitted to the Principal Certifier.

C.11. Compliance

The Applicant must ensure that all employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the Development.

PART D – DURING CONSTRUCTION

D.1. Approved plans and documentation to be on-site

A copy of the approved plans and documentation must be kept by the Applicant on the Subject site at all times and be readily available for perusal by the Principal Certifier, any person associated with the construction works, or an officer of the Department or NPWS. Without limitation, this condition applies to the following approved documentation:

- (a) this consent and its schedule of conditions;
- (b) the approved documentation and plans (Condition A.2); and
- (c) the SEMP (Condition B.16.).

D.2. Construction hours

All work in connection with the proposed Development may only be carried out between the hours of 7.00am and 6.00pm on Monday to Friday inclusive, and 7:00am to 1.00pm on Saturdays, with no work allowed on Sunday or gazetted public holidays in New South Wales, or as otherwise approved by the Secretary.

D.3. Construction period

- (a) All demolition, civil and construction works which are part of the Development may only occur in the 'summer period'. For the purposes of this condition, the 'summer period' means the period of time commencing after the October long weekend and ending no later than 31 May the following year in each year works are required to complete the Development, or as otherwise approved by the Secretary or nominee.
- (b) By 31 May in each year works are required to complete the Development, the Applicant must ensure that the Subject site is made safe and secure by undertaking the following:
 - (i) removal of all materials, vehicles, machinery, equipment, and the like;
 - (ii) removal and/or securing of all stockpiles of soil and gravel;
 - (iii) ensuring the Subject site is fenced with para-webbing or other suitable visible protection fencing around the perimeter of the site to limit access to and from the site;
 - (iv) appropriate signage must be erected outlining that unauthorised access to the Subject site is prohibited and that the site is a construction zone;
 - (v) all external plumbing and drainage works are to be completed;
 - (vi) any excavations are to be made safe and secure;
 - (vii) stabilisation and rehabilitation works must be implemented in accordance with these conditions of consent and the approved documentation; and
 - (viii) any other specific matters related to making the Subject site safe and secure raised by the Principal Certifier or the Secretary.

D.4. Construction activities and management

- (a) At all times, construction activities shall be undertaken in accordance with the approved documentation.
- (b) All construction activities shall be confined to within the construction zone.
- (c) No disturbance is permitted outside the construction zone unless otherwise agreed by the Secretary.
- (d) all materials, stockpiles, vehicles, machinery and the like are be confined to the Subject site.

Note to Applicant: The damage or removal of any native vegetation that is not the subject of this consent requires further authorisation under the National Parks and Wildlife Act 1974 or the Environmental Planning and Assessment Act 1979. Failure to obtain authorisation may result in compliance action under that legislation.

D.5. Aboriginal heritage

- (a) Should any material suspected of being an Aboriginal relic or artefact become unearthed in the course of works which are part of the Development, the Applicant must immediately:
 - (i) cease all works impacting the suspected relic or artefact; and
 - (ii) contact the NPWS to arrange for representatives to inspect the Subject site.
- (b) The Applicant must ensure that all workers on the Subject site are made aware of the requirements of paragraph (a).

D.6. SafeWork NSW

The Applicant must ensure that all works which are part of the Development are carried out in accordance with current SafeWork NSW guidelines.

D.7. Site notice

The Applicant must ensure that site notice(s) are prominently displayed at the boundaries of the Subject site for the purposes of informing the public of Development details. The notice(s) is/are to satisfy all but not be limited to, the following requirements:

- (a) The notice is to be durable and weatherproof and is to be displayed throughout the construction phase of the Development.
- (b) The notice(s) must list the approved hours of work, the name of the principal contractor for the work (if any), and include a 24 hour contact phone number for any inquiries, including construction/noise complaints.
- (c) The notice(s) is/are to be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the site is not permitted.
- (d) The name, address and phone number of the Principal Certifier is to be identified on the notice(s).

D.8. Prohibition of hazardous materials

No hazardous or toxic materials or dangerous goods may be stored or processed on the Subject site at any time unless otherwise agreed by the Secretary or nominee.

D.9. Dirt and dust control measures

The Applicant must ensure that adequate measures are taken to prevent dirt and dust from affecting the amenity or environment of the adjoining areas during the construction phase of the Development.

D.10. Safety demarcation

During the construction phase of the Development, the Applicant must ensure that the Subject site is clearly identified and signed to prevent access by unauthorised persons.

D.11. Erosion and sediment control measures

During the construction phase of the Development, the Applicant must ensure that all erosion and sediment control measures (e.g. silt curtains, sediment fences, booms etc.) are:

- (a) installed and maintained in accordance with *"Managing Urban Stormwater: Soils and Construction"* (4th Edition Landcom, 2004, aka the Blue Book); and
- (b) checked regularly, and in any case after each precipitation event, to ensure they remain in good working order at all times.

D.12. Noise and vibration management

Excavation and construction works must be managed in accordance with Australian Standard AS 2436-2010 *Guide to noise and vibration control on construction, demolition and maintenance sites* and to ensure there is no adverse impact on any neighbouring/affected tourist accommodation buildings during the construction phase of the Development.

D.13. Loading and unloading of construction vehicles

All loading and unloading associated with construction work which is part of the Development must be restricted to those areas approved in the SEMP (Condition B.16) and these conditions.

D.14. Maintenance of services

The Applicant shall be responsible for costs associated with relocating any services.

D.15. Demolition work

Demolition work must comply with the provisions of Australian Standard AS 2601-2001 *Demolition of Structures*.

D.16. Electrical works

All electrical works must be carried out by a qualified and licensed electrical contractor and installed in accordance with the relevant Australian Standards.

D.17. Plumbing and drainage works

All plumbing and drainage work which are part of the Development must comply with the Plumbing Code of Australia and Australian Standard AS/NZS 3500 Plumbing and drainage, and must be carried out by a qualified plumber holding a NSW licence, qualified supervisor certificate or tradesperson certificate.

D.18. Gas installations

All gas installation works shall be carried out by a qualified plumber who holds the appropriate gas fitters licence and installed in accordance with the relevant Australian Standards.

D.19. Storage of materials

During the construction phase of the Development, the Applicant must ensure that:

- (a) the Subject site environmental management measures are complied with;
- (b) no storage or disposal of materials takes place beneath the canopy of any trees or on native heath vegetation; and
- (c) all stockpiling of material is undertaken in accordance with the Stockpile Guide.

D.20. Rehabilitation and site establishment

- (a) Site stabilisation and rehabilitation works must commence, as soon as possible, following the completion of each stage of work which is part of the Development to minimise exposed areas. Disturbed areas must be adequately mulched and maintained with weed free straw (i.e. straw which does not contain viable seed or other vegetative propagules) until an erosion resistant ground condition is achieved. All erosion prevention and sediment control measures must remain in place until all exposed areas of soil are stabilised and/or revegetated.
- (b) Rehabilitation must be undertaken by the Applicant in accordance with:
 - (i) the Rehabilitation Guide; and

- (ii) these conditions of consent.

D.21. Asbestos

- (a) The removal of any asbestos or other hazardous material found on the Subject site must be carried out in accordance with current SafeWork NSW guidelines and only by an appropriately qualified and licensed contractor.
- (b) Any asbestos or other hazardous materials must be disposed of at an authorised waste facility. Receipts must be provided to the Principal Certifier by the Applicant as evidence of appropriate disposal.

D.22. Scaffolding

All scaffolding is to be located within the lot boundaries and shall comply with AS/NZS 1576 *Scaffolding* and AS/NZS 4576 *Guidelines for Scaffolding*.

D.23. Inspection by engineer – structural adequacy of wall openings

Prior to the installation of the new windows, an appropriately qualified practising structural engineer shall carry out an inspection to determine the structural adequacy of the existing structure and its compliance with BCA Volume One performance requirement BP1.1.

If any deficiencies are identified during the inspection, the engineer shall provide upgrade recommendations. Any works associated with the upgrade recommendations shall be undertaken prior to the installation of the new windows.

D.24. Geotechnical requirements

At all times, works associated with the development shall comply with:

- (a) the Department's Geotechnical Policy; and
- (b) the Geotechnical Investigation undertaken by assetgeoenviro dated 18 January 2025.

Works at variance to recommendations contained in the geotechnical assessment report shall not be undertaken without prior written endorsement from the geotechnical engineer. Any written advice of the variation shall be provided to the Principal Certifier and the Department within 48 hours.

D.25. Use of treated timber

If any treated timber is required to be used it must not be treated with Copper Chrome Arsenic (CCA)

D.26. Litter and building waste

Building waste shall be minimised and shall be contained in receptacles and covered daily, or removed from site each day, so as not escape by wind or water. These receptacles must only be located in previously disturbed areas and not beneath the canopy or over roots of any trees. Three receptacles must be cleared regularly.

D.27. Recycled material

Wherever possible, building material should be salvaged for reuse during the redevelopment of the building or sent to a recycling facility to reduce landfill.

D.28. Path signage

Within 60 days of works commencing, details of the path signage (Condition B.22(b)(ii)) endorsement by a qualified engineer that the text meets the intent of the Road Safety Assessment must be submitted to must be to the Principal Certifier.

If the Department is not the Principal Certifier, the certifier is to provide a copy of the information to the Department within 48 hours of receipt.

PART E – PRIOR TO COMMENCEMENT OF USE

E.1. Occupation certificate

Prior to the occupation of the building or the commencement of use which are part of the Development, an occupation certificate must be obtained from the Principal Certifier. A copy of the occupation certificate must be furnished to the Secretary or nominee prior to the occupation of the relevant buildings or commencement of use which are part of the Development.

E.2. Site Clean Up

Prior to commencement of use which are part of the Development, the Subject site must be cleaned and made good to the satisfaction of the Principal Certifier.

E.3. Removal of site notice

Any site notices or other site information signs must be removed upon completion of the works which are part of the Development and prior to the commencement of use.

E.4. Plumbing and drainage works

Prior to the issue of the relevant occupation certificate, a Certificate of Compliance and Sewer Service Diagram must be provided to the plumbing regulator (NPWS Perisher Team) in accordance with *Plumbing and Drainage Act 2011*.

A copy of the documentation must be submitted to the Department with the copy of the occupation certificate.

E.5. Electrical certification

Prior to the issue of the relevant occupation certificate, certification prepared and signed by an appropriately qualified electrician must be submitted to the Principal Certifier. The certificate must indicate that all electrical works which are part of the Development have been installed by a qualified and licensed electrician and installed in accordance with the relevant Australian Standards.

A copy of the certificate is to be submitted to the Secretary or nominee with the occupation certificate documentation.

E.6. Environmental performance

Prior to the issue of the relevant occupation certificate, details are to be provided to the Principal Certifier to demonstrate compliance with all requirements of Condition B.13. A copy of the documentation is to be submitted to the Secretary or nominee with the occupation certificate documentation.

E.7. Gas installations certification

If gas works were undertaken as a result of the proposal, prior to the issue of the occupation certificate, certification prepared and signed by an appropriately qualified gas fitter shall be submitted to the Principal Certifier. The certificate shall indicate that all gas installation have been installed by a qualified and licensed gas fitter and installed in accordance with the relevant Australian Standards.

E.8. Structural adequacy certificate (wall openings)

Prior to the issue of any occupancy certificate, a certificate of structural adequacy (following inspection as required by Condition D.23.) prepared by a suitably qualified professional engineer confirming the suitability of the building to meet BCA Volume One performance requirement BP1.1 shall be submitted to the Principal Certifier.

A copy of the structural certificate shall be submitted to the Department with the copy of the occupation certificate.

E.9. Structural certification

A structural engineer's certificate must be submitted to the Principal Certifier prior to issue of the relevant occupation certificate. This certificate is to verify that structural works which are part of the Development have been completed in accordance with approved plans and specifications and comply with the provisions of the BCA and relevant standards.

A copy of the certificate is to be submitted to the Secretary or nominee with the occupation certificate documentation.

E.10. External walls and cladding

Prior to the issue of the occupation certificate, the Applicant must provide the Principal Certifier with documented evidence that the products and systems used in the construction of external walls, including finishes and cladding such as synthetic or aluminium composite panels, comply with the requirements of the BCA.

The Applicant must provide a copy of the documentation given to the Principal Certifier to the Secretary or nominee within seven days after the Principal Certifier accepts it.

E.11. Stormwater drainage system certification

An appropriately qualified and practising stormwater engineer shall provide certification to the Principal Certifier that the stormwater drainage system has been installed in accordance with the approved detailed stormwater drainage plan (Condition B.10.), prior to the issue of the occupation certificate.

A copy of the documentation shall be submitted to the Department with the occupation certificate.

E.12. Hydraulic certification

Prior to the issue of the occupation certificate, hydraulic certification is to be provided to the Principal Certifier. This certificate is to verify that hydraulic works have been completed in accordance with approved plans and specifications, and comply with the provisions of the BCA and relevant standard.

A copy of the documentation shall be submitted to the Department with the occupation certificate.

E.13. Rehabilitation

Prior to the issue of any occupation certificate, any disturbed ground shall be rendered erosion resistant and rehabilitated in accordance with the approved documentation and these conditions of consent (including Condition D.20.).

E.14. Mechanical ventilation certification

Following completion and installation, the mechanical ventilation that forms part of the development shall be tested and prior to the issue of the occupation certificate, certification from an appropriately qualified person confirming that the mechanical ventilation system/s installed as part of the development comply with the BCA and any relevant and current Australian Standards shall be submitted to the Principal Certifier.

A copy of the documentation shall be submitted to the Department with the occupation certificate.

E.15. Environmental performance

Prior to the issue of the occupation certificate, the Principal Certifier is to be satisfied that the development complies with all requirements in Condition B.13.

E.16. Bush fire safety authority

Prior to the issue of the relevant occupation certificate, the Applicant must submit documentation to the Principal Certifier to demonstrate that the works have been undertaken in accordance with the relevant conditions of the Bush Fire Safety Authority (reference Item 27 in Condition A.2).

A copy of the documentation is to be submitted to the Secretary or nominee with the occupation certificate documentation.

E.17. Bush fire emergency management and evacuation plan

Prior to the issue of the relevant occupation certificate, the Applicant must submit a Bush Fire Emergency Management and Evacuation Plan to the Principal Certifier in accordance with the Bushfire Safety Authority (reference item 27 in Condition A.2.).

The Plan must be prepared in accordance with Table 6.8d of *Planning for Bushfire Protection 2019* and be consistent with the following:

- (a) the NSW RFS document: A guide to Developing a Bush Fire Emergency Management and Evacuation Plan and include planning for the earling relocation of occupants; and
- (b) Detailed plans of all emergency assembly areas, including on-site and off-site arrangements as stated in *AS 3745 'Planning for emergencies in facilities'* are clearly displayed.

A copy of the Plan is to be submitted to the Secretary or nominee with the occupation certificate documentation.

E.18. Final Fire Safety Certificate

Prior to the issue of any occupation certificate, a final fire safety certificate shall be obtained and submitted to the satisfaction of the Principal Certifier.

A copy of the final fire safety certificate shall be submitted to the Department along with a copy of the occupation certificate and occupation certificate documentation in accordance with the regulations.

E.19. Building upgrades

Prior to the issue of occupation certificate, the following documentation shall be submitted to the Principal Certifier:

- (a) written notice that the relevant upgrade works have been completed in accordance with Condition B.7 of this consent; and
- (b) certificates of installation from tradespersons responsible for carrying out the upgrade works.

Note: The upgrade works can be completed in stages and this condition does not prevent a partial occupation certificate being issued.

E.20. Geotechnical certification

- (a) Prior to the issue of the relevant occupation certificate:
 - (i) a completed and signed Form 3 from the Department's Geotechnical Policy – Kosciuszko Alpine Resorts (2003) must be submitted to the Principal Certifier. All sections of the Form 3 must be completed and signed by the appropriate person/s; or
 - (ii) if alternative advice is provided by the geotechnical engineer (Condition D.24.), confirmation that the works have been undertaken in accordance with the advice.

If the Department is not the Principal Certifier, the appointed Principal Certifier must provide a copy of the completed and signed Form 3 to the Department with the copy of the occupation certificate.

E.21. Road and infrastructure damage

Prior to the issue of the occupation certificate, the Principal Certifier is to be satisfied that any roads or other infrastructure damaged as a result of the construction works associated with the development has been adequately repaired to the satisfaction of the provider of the road / infrastructure.

E.22. Building identification survey

Prior to the issue of the occupation certificate, a building identification survey of the constructed development identifying setbacks to boundaries and the footpath as built is to be furnished to the Principal Certifier, with a copy provided to the Department if not the Principal Certifier.

E.23. Termite Protection

Prior to the issue of the occupation certificate, the Principal Certifier is to be provided with a certificate from the person responsible, stating that the barrier complies with AS 3660 *Termite management* and durable notice in accordance with this standard shall be erected.

A copy of the certificate is to be submitted to the Secretary or nominee with the occupation certificate documentation.

E.24. Completion of traffic recommendations

Prior to the issue of the relevant occupation certificate, the Principal Certifier is to be provided with endorsements from an appropriately qualified engineer stating that works have been completed in accordance with Condition B.22 and B.23.

A copy of the documentation is to be submitted to the Secretary or nominee with the occupation certificate documentation.

PART F – POST OCCUPATION

F.1. Annual fire safety statement

An annual fire safety statement conforming to the EP&A (DCFS) Regulations must be provided to the Department and the NSW Fire Brigade every 12 months commencing within 12 months after the date on which the Department received the initial fire safety certificate for the Development.

F.2. Rehabilitation

Up until the date 5 years after the issue of an occupation certificate, all disturbed areas shall be monitored and maintained to ensure that:

- (a) The ground remains erosion resistant and the groundcover is being established; and
 - (b) All areas planted with native species (including sod replacement and seeding) are surviving.
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ADVISORY NOTES

AN.1 Appeals

The Applicant has the right to appeal to the Land and Environment Court in the manner set out in the *Environmental Planning and Assessment Act, 1979* and the *Environmental Planning and Assessment Regulation, 2021* (as amended).

AN.2 Responsibility for other consents / agreements

The Applicant is solely responsible for ensuring that all additional approvals, licenses, consents and agreements are obtained from other authorities, as relevant. No condition of this consent removes any obligation to obtain, renew or comply with such additional approvals, licenses, consents and agreements.

AN.3 Other approvals and permits

The Applicant must apply to the relevant authority for all necessary permits including crane permits, road opening permits, hoarding or scaffolding permits, footpath occupation permits and/or any other approvals under Section 68 (Approvals) of the *Local Government Act, 1993* or Section 138 of the *Roads Act, 1993*.

AN.4 Utility services

- (a) The Applicant must liaise with the relevant utility authorities for electricity, gas (if relevant), water, sewage, telecommunications on the Subject site:
 - (i) to locate all service infrastructure on the Subject site; and
 - (ii) negotiate relocation and/or adjustment of any infrastructure related to these services that will be affected by the construction of the Development.
- (b) The Applicant is responsible for costs associated with relocating any services.

AN.5 Dial before you dig

Underground assets may exist in the area that is the Subject site. In the interests of health and safety and in order to prevent damage to third party assets please contact the Dial Before You Dig service at or telephone on 1100 before excavating or erecting structures (this is the law in NSW).

If alterations are required to the configuration, size, form or design of the Development upon contacting the Dial Before You Dig service, an amendment to this consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities.

AN.6 Disability Discrimination Act

The Applicant has been assessed in accordance with the *Environmental Planning and Assessment Act, 1979*. No guarantee is given that the proposal complies with the *Disability Discrimination Act 1992* (Cth). The Applicant is responsible to ensure compliance with this and other anti-discrimination legislation. The *Disability Discrimination Act 1992* (Cth) covers disabilities not catered for in the minimum standards called up in the Building Code of Australia which references AS 1428.1 - *Design for Access and Mobility*. AS 1428 Parts 2, 3 and 4 provides the most comprehensive technical guidance under the *Disability Discrimination Act 1992* (Cth) currently available in Australia.

AN.7 External lighting

If external lighting is installed, the lighting shall comply with *Australian Standard AS 4282-1997: 'Control of Obtrusive Effects of Outdoor Lighting'*.

AN.8 Scaffolding and hoardings

No approval is given for any scaffolding or hoarding outside of Lot 721 DP 1119757. If additional scaffolding or hoarding is required, separate approval must be obtained prior to installation and after consultation with Kosciuszko Thredbo Pty Ltd and adjoining sub-lessees.

AN.9 Bed numbers

The beds associated with the change of use of an existing store room to a bedroom must be managed within the existing bed number. Any increase to the approved 22 beds under the Hi Noon Ski Club Sublease, as per schedule 6 of the Kosciuszko National Park Plan of Management (KNP PoM), would require additional authorisation from NPWS and Kosciuszko Thredbo Pty Ltd.