

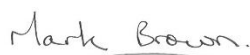
Development consent

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 approved the Development Application referred to in Schedule 1, subject to the conditions in Schedule 2.

These conditions are required to:

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



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

Jindabyne

19 November 2025

SCHEDULE 1

Application No.:	DA No. 25/4026
Applicant:	Sushil Kamble
Consent Authority:	Minister for Planning
Land:	Kosciuszko Tourist Park Lot 30 Deposited Plan 725492 7693 Kosciuszko Road, Wilsons Valley, Kosciuszko National Park
Type of Development:	Integrated Development
Integrated Bodies:	NSW Rural Fire Service
Approved Development:	Tourist and visitor accommodation, ancillary development including installation: • boom gates, and • signage

DEFINITIONS

Act	means the <i>Environmental Planning and Assessment Act, 1979</i> (as amended).
Applicant	means Sushil Kamble, 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 25/4026	means the development application lodged and as amended by the Applicant on 9 October 2025.
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.
EP&A Regulation	means the <i>Environmental Planning and Assessment Regulation, 2021</i> (as amended).
EP&A (DC&F) Regulation	means the <i>Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation, 2021</i> (as amended).
KNP	Kosciuszko National Park
KTP	Kosciuszko Tourist Park - Alpine Accommodation precinct
Minister	means the Minister for Planning, or nominee.
Non-compliance	means an occurrence, set of circumstances or development that is a breach of this consent.
NCC	means the National Construction Code.
NPWS	means the National Parks and Wildlife Service, or its successors.
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> , 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 <i>Rehabilitation Guidelines for the Resorts Areas of Kosciuszko National Park</i> (2007) a copy of which is available at: https://www.environment.nsw.gov.au/research-and-publications/publications-search/rehabilitation-guidelines-for-the-resort-areas-of-kosciuszko-national-park
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.
Subject site	means that area of the Kosciuszko Tourist Park Alpine Accommodation precinct within the Park described in the documentation listed in Condition A.2.
Team Leader	means the Team Leader Assessments of the Alpine Resorts Team within the Regional Assessments division (or its successors) or a delegate of the Team Leader Assessments 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 must be in accordance with the:

- (a) Development Application No. DA 25/4026 and supporting documentation lodged by the Applicant on 9 October 2025;
- (b) additional information provided during the assessment;
- (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 / Received	Document Reference
1	SEE	Statement of Environmental Effects	Council Approval Group	4 March 2025	-
2	Amended Application	Development Application DA 25/4026; Kosciuszko Tourist Park	Council Approval Group	9 October 2025	-
3	SEMP	Site Environmental Management Plan	Kosipark Pty Ltd	October 2025	-
4	Plan	Sign Location Plan	-	9 October 2025	Revised
5	Plan	Boom gate isometric view	Draw Architects	7 November 2024	A-01 Page 1
6	Plan	Boom gate front view and back view	Draw Architects	7 November 2024	A-01 Page 2
7	Plan	Unnamed (Boom gate footing detail)	No Reference	Undated	No reference (Page 3 of A-01 set)
8	Document	Sentinel EVA Automatic Boom Gate Installation Instructions	Rotech	Undated	-

9	Bushfire Risk Assessment Report	Bushfire Risk Assessment for a proposed boom gate and change of use from storeroom to staff accommodation	Firebird Ecosultants Pty Ltd	28 February 2025	Version V2
10	Bush Fire Safety Authority and General Terms of Approval	Integrated Development Application s100B – SFPP – Other Tourist Accommodation 7693 Kosciuszko Rd Wilsons Valley NSW 2624, 30//DP725492	NSW Rural Fire Service	21 October 2025	DA20250323 001072-S38-1

Note 1: In accordance with section 38 of the EP&A Regulation, an amended Development Application is taken to be lodged on the day which the Department notified the Applicant that the lodgement date for the amended Development Application applies.

Note 2: Any reference to the staff accommodation in the above documentation does not form part of this development application, as amended, and is not approved.

Note 3: The location and maximum dimensions of signage are approved in principle as part of this development, with the final approval subject to Secretary's approval as described in these conditions of consent.

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

In undertaking the Development, the Applicant must comply with all relevant prescribed conditions of development consent pursuant to Part 4, Division 2 of the EP&A Regulation.

A.6. Australian standards

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

A.7. Legal notices

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

A.8. Non-Compliance Notification

The Department must be notified in writing to compliance@planning.nsw.gov.au within seven days after the Applicant becomes aware of 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. Materials and Finishes

The approved materials, finishes and dimensions of works which are part of the development are detailed below. Works must be consistent with the following, or as otherwise approved in writing by the Secretary or nominee:

Work	Material and dimensions	Colour/ finish
Boom Gates (2) Entry and Exit	Each gate has one single boom gate mounted on a pillar and one support bracket post. Width of each boom gate up to 4.75 metres. Top of lifting pillar maximum of 1.2 metres above ground level.	Prefabricated kit - Sentinel EVA.5 Automatic Boom Gate.
Electrical connection to boom gate	Electrical connection is via an existing electricity pit at the locality.	No visible works proposed. Note - no additional trenching is proposed or approved.
Sign 1	Dimensions: maximum 1.0 metre high by 1.5 metres wide, with base of sign to be no more than 1.5 metres above ground level. Aluminium composite signage panel with UV-resistant print, affixed to two steel posts in concrete footings buried into ground.	Not illuminated. Must be made of non-reflective material. Colour to be non-obtrusive. Colour and content of sign and suitability of final dimensions subject to further consent.
Sign 2	Dimensions: maximum 1.0 metre high by 2.0 metres wide, with base of sign to be no more than 1.5 metres above ground level. Aluminium composite signage panel with UV-resistant print, affixed to two steel posts in concrete footings buried into ground.	Not illuminated. Must be made of non-reflective material. Colour to be non-obtrusive. Colour and content of sign and suitability of final dimensions subject to further consent.

Note: Further to any approved signage scheme outlined above or elsewhere in this consent, being pursuant to consent required under the Act, the general content, appearance and colour scheme for the signage must also be approved by the NPWS in accordance with the lease provisions that relate to the site.

A.10. Limit of consent

- (a) Use of the former kiosk storage room as additional staff accommodation is not approved as part of this development application, as amended.
 - (b) The erection of signage in relation to this consent is subject to further review and Secretary's written approval, as outlined in Condition B.3 of this consent.
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PART B – PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

B.1. Construction certificate

Building work must not commence until a relevant construction certificate has been issued by a certifier. 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 development consent.

Note: a construction certificate is required prior to commencing any building works associated with the development consent.

B.2. Documentation for construction certificate

Detailed plans, specifications and supporting documentation for the proposed building works must be submitted to the certifier demonstrating compliance with the National Construction Code NCC-BCA.

The plans must also show the following details, prepared by regulated practitioners (where required) accompanied by:

- (a) Design certification of the boom gates to relevant Australian Standards.
- (b) Engineering certification of all footings and re-enforced concrete installations.

B.3. Signage

- (a) Prior to the issue of any construction certificate, detailed plans and information relating to the signage (Sign 1 and Sign 2 referred to in Condition A.9 of this consent) must be prepared in consultation with the NPWS, showing consistency with the NPWS signage requirements.
- (b) The plans and information required in (a) must include:
 - i. a detailed, scaled and coloured elevation plan with an accurate depiction of the content of each sign, including details of the text, font size and style, use of any symbols, borders, and the colours and finish of the images, the sign background and the mounting poles;
 - ii. site plan with the location and size each sign shown in location and to scale; and
 - iii. photo montages that depict the signs in the context of the development site, including perspectives when viewed from the driveway and from locations if the signage is visible from Kosciuszko Road;
- (c) The plans and information referred to in (a) and (b) above must be submitted to the Department and the written approval of the Secretary provided prior to the issue of any construction certificate for works which are part of the Development.

Note: The final dimensions of the subject signage is subject to demonstrating the suitability of the signs in their proposed location.

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. Erection of construction sign

A sign must be erected in a prominent position on any site on which any approved building and/or demolition work is being carried out:

- (a) showing the name, address and telephone number of the Principal Certifier for the work;
- (b) showing the name of the Principal Contractor (if any) for the building work and a telephone number on which that person may be contacted outside working hours;
- (c) stating that unauthorised entry to the work site is prohibited; and
- (d) the sign must be durable, weatherproof and maintained while the approved building and/or demolition work is being carried out and must be removed when the work has been completed.

C.3. Implementation of site environmental management measures

Prior to any 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 A.2) and these conditions of consent, shall be in place and in good working order.

C.4. Machinery, equipment and materials

- (a) Prior to Subject site mobilisation, all equipment, machinery and vehicles used during construction and removal of the Development must be cleaned prior to entry into the Park, or if already within Kosciuszko Tourist Park Alpine Accommodation, cleaned prior to redeployment to the site, 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 hardstand areas and not be stored on native vegetation.

C.5. 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.

C.6. Site Environmental Management Plan

Prior to the commencement of works, all site environmental protection measures detailed in the Site Environmental Management Plan (SEMP) in Condition A.2 (Reference 3) must be in place and in good working order.

C.7. Traffic management

Prior to the commencement of works on the installation of the boom gates or signs, durable traffic warning signs shall be erected, including at locations prior to the approaches on both sides of the boom gates, advising motorists to slow down - roadworks are underway. The signs must be in place and in good working order for the duration of any works at the Subject site.

PART D – DURING CONSTRUCTION / INSTALLATION

D.1. Approved plans and documentation

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 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 (refer to Condition A.2), and
- (c) SEMP (refer to Condition A.2).

D.2. Hours of work

All work in connection with the proposed Development must be carried out between:

- (a) 7 am to 6 pm Monday to Friday;
- (b) 8 am to 1 pm Saturdays; and
- (c) at no time on Sundays and NSW public holidays.

D.3. Construction period

- (a) All works are limited to the “summer period” and are not to commence when snow is located on the Subject site. For the purposes of this condition, the summer period means the period of time commencing after the October long weekend (subject to no snow being on the Subject site) and ending no later than 30 April the following year in each year works are required to complete the Development, with finishing of rehabilitation and stabilisation works up until 30 May, or as otherwise approved by the Secretary or nominee.
- (b) By 30 April in each year works are required to complete the Development, the Applicant must ensure that the Subject site is made safe and secure (having regard to the use of the area) 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. protecting and fencing off any areas that are unsafe, for instance due to incomplete works;
 - iv. stabilisation and rehabilitation works in accordance with these conditions of consent and the approved documentation (can occur until 30 May if required); and
- (c) any other specific matters related to making the Subject site safe and secure raised by the Secretary or nominee.

D.4. Construction activities and management

At all times during the construction phase of the Development and unless agreed otherwise by the Secretary or nominee in writing, the Applicant must ensure that:

- (a) all construction equipment used in connection with the Development is to be confined to the hardstand areas of the Subject site;
- (b) all equipment, materials storage areas and waste management bins must be placed and managed so as not to impact on native vegetation;
- (c) no disturbance or other adverse environmental impacts occur outside the Subject site;
- (d) construction vehicles must be parked in existing driveways or carparks; and
- (e) all measures to minimise, mitigate and manage adverse environmental impacts of the Development are adhered to.

Note: 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. 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.6. Building Code of Australia

All new buildings and structures must be constructed in accordance with the relevant requirements of the BCA.

D.7. Excavation and backfilling

All excavation and backfilling works must comply with the following:

- (a) be executed in a safe manner and in accordance with appropriate professional standards;
- (b) where excavations are to be left open overnight, provision must be made so that any fauna entering these excavations can escape;
- (c) adequate provision must be made for drainage; and
- (d) all excavations must be properly guarded and protected to prevent them being a danger to contractors, sub-contractors, staff and the public.

D.8. Water in excavations

In the event that water needs to be pumped out of any excavations required for the development:

- (a) A temporary filter dam must be constructed by the Applicant, and water pumped into the filter dam. It must be constructed of hay bales and/or geofabric material and must be inspected and approved by the Environmental Officer prior to being used.
- (b) All pump out equipment and any temporary filter dams must be wholly contained within the approved development footprint unless otherwise agreed by the Planning Secretary; and
- (c) Excavation work as part of the development must not proceed during rain events.

D.9. Stockpiles

Any clean excavated material (i.e. containing no contaminants or weeds) may be:

- (a) temporarily stockpiled at the site in accordance with the Rehabilitation Guidelines and Stockpile Guidelines; or
 - (b) stockpiled, at a location authorised by NPWS, and managed for future use in accordance with the Rehabilitation Guidelines and Stockpile Guidelines; or
 - (c) disposed of at an authorised waste facility.
 - (d) Any contaminated material (i.e. containing chemical contaminants or weeds) must not be stockpiled at the Subject site or within the Park and is to be disposed of at an authorised waste facility.
 - (e) Imported fill material and gravel must only be obtained from an NPWS authorised source and in accordance with the Stockpile Guide
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PART E – PRIOR TO USE OR ISSUE OF AN OCCUPATION CERTIFICATE

E.1. Occupation certificate

Prior to the commencement of use(s) which are part of the development, an Occupation Certificate must be issued by the Principal Certifier.

E.2. Bushfire protection measures

- (a) Prior to commencement of the use of the boom gates and issue of an Occupation Certificate, the Applicant shall prepare a report for inclusion with the Occupation Certificate to the satisfaction of the Principal Certifier that demonstrates compliance with the requirements of the BFSA issued by the NSW Rural Fire Service dated 21 October 2025 (refer to Condition A.2 Item 10).
- (b) The report referred to in (a) of this condition must include:
 - i. detail of how the RFS General Terms of Approval for the development have been satisfied;
 - ii. detail of how traffic management devices, including the proposed boom gates, are constructed so as not to prohibit access by emergency services;
 - iii. include the instruction that in the event of a bushfire or similar event that requires the attendance of emergency vehicles or evacuation of the facility, the boom gates are to be affixed by staff in the open position so as not to obstruct access to and egress from the property;
 - iv. a copy of the updated KTP Park Management Plan, wherein the recommendations that relate to boom gate operation outlined in the Bushfire Risk Assessment Report prepared by Firebird EcoSultants dated 28 February 2025 are detailed (refer to Condition A.2 Item 9 of this consent). This is to include the dedicated procedure outlining the steps covering the location of the boom gate override keys, battery backup operation, and staff roles to allow staff to disengage the motor, override the system and manually lift the arm if power fails, and also the emergency override procedure to leave the boom gates open as required in (iii) above; and
 - v. a copy of the updated Bush Fire Emergency Management and Evacuation Plan in accordance with the BFSA and these conditions of consent.

E.3. Occupation documentation

Prior to the issue of any Occupation Certificate, the applicant must provide certification to the principal certifier from a suitably qualified and licenced electrician for the installation of the boom gate verifying that the electrical installation achieves compliance with AS 3000 – 2018 (Australian/ New Zealand Wiring Rules).

E.4. Site condition

Prior to the issue of any Occupation Certificate, all refuse, spoil and material unsuitable for use on-site must be removed from the site and disposed of in accordance with the approved waste management plan; and written evidence of the waste removal must be provided to the satisfaction of the principal certifier.

PART F – OPERATIONAL

F.1. Boom gate operation

Once operation of the boom gates commences, they are to be maintained in accordance with the manufacturer's instructions and the back-up battery must be checked regularly and maintained in operational order.

F.2. Emergency management plans

- (a) All site managers and ongoing staff working at the Subject site are to be made aware of the emergency requirements detailed in the updated KTP Park Management Plan and the updated Bush Fire Emergency Management and Evacuation Plan referred to in Condition E.2 of this consent.
 - (b) A copy of the Plans referred to in (a) above are to be retained on site and readily available to site managers and staff all at times.
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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 consents and agreements are obtained from other authorities, as relevant. This will include (but is not limited to) any consent required from the NPWS relating to the works.

AN.3 Signage

No new signage is to be installed at the Subject site unless it complies with the exempt provisions of the Precincts Regional SEPP.

AN.4 Equal Access to premises

Adequate access to the Subject site is to be provided for persons with disabilities in accordance with the Commonwealth *Disability (Access to Premises – Buildings) Standards 2010*. The Standard's applicability should be reasonably investigated by persons responsible for ensuring compliance with the Standards.
