



**ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979**

**DETERMINATION OF MODIFICATION APPLICATION NO DA 040-04-2010, MOD 2**

I, Daniel James, Team Leader, Alpine Resorts Team, as delegate for the Minister for Planning and Infrastructure under Instrument of Delegation dated 14 September 2011 determine the Section 96(1A) Application pursuant to the *Environmental Planning and Assessment Act 1979*, by granting the modification to the original consent referred in Schedule 1 subject to the conditions referred in Schedule 2.

A handwritten signature in blue ink, appearing to read "Daniel James".

**Daniel James**  
Team Leader  
Alpine Resorts Team

21 May 2012



SCHEDULE 1

**PART A—TABLE**

Application made by:	Perisher Blue Pty Ltd
Application made to:	Minister for Planning and Infrastructure
Modification Application:	DA 040-04-2010 MOD 2
Modifying Development Application:	DA 040-04-2010
Date DA Determined:	25 October 2010
On land comprising:	Happy Valley hut, Perisher Range alpine resort
S.96 Determination made on:	21 MAY 2012
Date of commencement of consent:	25 October 2010

**PART B — NOTES RELATING TO THE DETERMINATION OF DA 040-04-2010 MOD 2**

**Responsibility for Other Approvals / Agreements**

The applicant is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.

**Appeals**

The applicant has the right to appeal to the Land and Environment Court under Section 97 of the *Environmental Planning and Assessment Act, 1979*. The right to appeal is only valid:

- (1) for a development application, within 12 months after the date on which the applicant received this notice; or
- (2) for a modification to the consent, within 3 months after the date on which the application received this notice.

**Legal Notices**

Any advice or notice to the consent authority shall be served on the Director-General.

## **PART C—DEFINITIONS**

In this consent,

**Act** means the *Environmental Planning and Assessment Act, 1979* (as amended).

**Applicant** means Perisher Blue Pty Ltd.

**Approval Body** has the same meaning as within Division 5 of Part 4 of the Act.

**BCA** means the edition of the Building Code of Australia in force at the time of lodgement of a construction certificate.

**Certifying Authority** has the same meaning as Part 4A of the Act.

**Department** means the Department of Planning and Infrastructure.

**Director** means the Director of the Metropolitan and Regional Projects South (or its successors) or a delegate of the Director of the Metropolitan and Regional Projects South within the Department.

**Director-General** means the Director-General of the Department.

**Minister** means the Minister for Planning and Infrastructure.

**DA 040-04-2010 MOD 2** means the modification application and supporting documentation submitted by the applicant on 29 March 2012.

**PCA** means the Principal Certifying Authority as prescribed in Part 4A of the Act.

**Regulations** means the *Environmental Planning and Assessment Regulations, 2000* (as amended).

**Subject Site** has the same meaning as the land identified in Part A of this schedule.

**Team Leader** means the Team Leader of the Director of the Metropolitan and Regional Projects South (or its successors) or a delegate of the Team Leader of Metropolitan and Regional Projects South within the Department.



SCHEDULE 2

CONDITIONS OF CONSENT

MODIFICATION APPLICATION NO DA 040-04-2010 MOD 2

ALTERATIONS TO AND REFURBISHMENT OF HAPPY VALLEY HUT,  
INSTALLATION OF TEMPORARY WATER SUPPLY AND WASTE WATER SERVICES,  
AND THE ERECTION OF BUSINESS SIGNAGE,  
PERISHER RANGE ALPINE RESORT

This consent is granted subject to the following:

(a) Condition A2 is deleted and replaced with (modifications are in blue and bold):

**A2 Development in Accordance with Plans**

The development shall be in accordance with Development Application No. DA-040-04-2010 submitted by Dabyne Planning on behalf of Perisher Blue Pty Ltd on 21 April 2010 and in accordance with the supporting documentation submitted with that application including, but not limited to, the following:

- Plan titled Hut Site Plan by Dabyne Planning, plan number 1/1 Revision a, dated April 2010.
- Plan titled Eastern Elevation (Front) by Dabyne Planning, plan number 1/1 Revision a, dated April 2010.
- Plan titled Northern Elevation (Side) by Dabyne Planning, plan number 1/1 Revision a, dated April 2010.
- Plan of hut fitout submitted with the application.
- Statement of Environmental Effects by Dabyne Planning dated April 2010.
- Plan of Business Identification signage, Happy Valley Hut, Perisher.
- **Email from Craig Parker, Perisher Blue Pty Ltd to Daniel James, Department of Planning and Infrastructure dated 20 April 2012 at 9:21am, and titled 'RE: DA 040-01-2010 MOD 2 – Proposed extension of Happy Valley Hut's temporary water and wastewater arrangements'.**

(b) Condition A8 is deleted and replaced with (modifications are in blue and bold):

**A8 Removal of temporary services**

The temporary services including the 3,000 litre water tank, the 1,000 litre waste water collection tank and the portable toilet shall be removed prior to **3 June 2015**.

END OF CONDITIONS