



ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

DETERMINATION OF MODIFICATION APPLICATION NO MOD 6072 (MOD 2 OF DA 12-2-2008)

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

4 October 2013

SCHEDULE 1

PART A - TABLE

Application made by:	Kosciusko Thredbo Pty Ltd
Application made to:	Minister for Planning and Infrastructure
Modification Application:	MOD 6072 (MOD 2)
Modifying Development Application:	DA 12-2-2008, as modified by MOD 75-12-2008 (MOD 1)
Date DA Determined:	11 March 2008
On land comprising:	Friday Flat, Thredbo
S.96 Determination made on:	4 OCTOBER 2013.
Date of commencement of consent:	11 March 2008 Development consent has commenced. Use of land as an Outdoor 'Entertainment Facility', Friday Flat, Thredbo.

PART B — NOTES RELATING TO THE DETERMINATION OF MOD 6072

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 Kosciusko Thredbo 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.

MOD 6072 (MOD 2) means the modification application and supporting documentation submitted by the applicant on 31 July 2013.

Department means the Department of Planning and Infrastructure.

Director means the Director of Industry, Social Projects and Key Sites (or its successors) or a delegate of the Director of Industry, Social Projects and Key Sites within the Department.

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

Minister means the Minister for Planning and Infrastructure.

OEH means the NSW Office of Environment and Heritage.

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 Industry, Social Projects and Key Sites (or its successors) or a delegate of the Team Leader of Industry, Social Projects and Key Sites within the Department.

SCHEDULE 2

CONDITIONS OF CONSENT

MODIFICATION APPLICATION NO MOD 6072 (DA 12-2-2008 MOD 2)

ON-GOING USE OF LAND FOR OUTDOOR ENTERTAINMENT EVENTS
FRIDAY FLAT, THREDBO ALPINE RESORT

This consent is granted subject to the following:

- (a) Replacing all references in the conditions of consent to 'the festival' with 'an event'.
- (b) Condition A1 in Schedule 2 is deleted and replaced as follows:

A1 Development in Accordance Plans

The development shall be carried out in accordance with Development Application No. 12-2-2008 submitted by Kosciusko Thredbo Pty Ltd on 28 February 2008, Modification Application No. 75-12-2008 MOD 1 submitted by Dabyne Planning Pty Ltd on 23 December 2008, Modification Application No. 6072 MOD 2 submitted by Dabyne Planning Pty Ltd on 31 July 2013 and in accordance with the supporting documentation submitted with each application, except as amended by the following conditions:

- (c) Condition A2 in Schedule 2 is deleted and replaced as follows:

A2 Limit of Consent

The consent is for types of events that are permitted under Condition A12 of this Schedule, which is limited to a maximum of seven (7) events each year over a maximum of twenty-one (21) days each year (whichever limit is reached sooner). The events shall be held **within the months of October to May** each year.

- (d) Inserting a new Condition A12 in Schedule 2 as follows:

A12 Types of Events Permitted

Events held at the site shall be held on temporary stages and shall be limited to entertainment for the purposes of music, comedy, theatre, magic, dance or cinema, unless otherwise approved in writing by the Director-General.

- (e) Condition BA1 in Schedule 2 is deleted and replaced as follows:

BA1 Documentation to be Submitted to the Department of Planning

The following documentation shall be submitted to the Department of Planning a minimum of 30 days prior to the commencement of the festival:

- A site plan.
- Drawing and specifications of all temporary structures including, but not limit to, stages, marquees, tents, food stalls, fencing, seating, light towers.
- Emergency management plan **including bushfire contingencies**.
- Waste management plan.
- Pedestrian and traffic management plan.
- Crowd management plan.
- Contact details for the event manager i.e. the name and contact number of a responsible person who may be contacted at any time during 'bump in' and 'bump out' and during the festival.

(f) Inserting a new Condition C29 in Schedule 2 as follows:

C29 Complaints registration and management

The applicant is responsible for implementing a system to minimise and manage complaints. The Director General or nominee shall be notified of all complaints and how the complaints were dealt with.

(g) Condition D2 in Schedule 2 is deleted and replaced as follows:

D2 Site Clean Up

The subject site shall be cleaned up and appropriately rehabilitated to its original condition, subject to any changes as part of the approval to the satisfaction of the Director-General or nominee. The site clean up shall include but is not limited to the removal of any waste generated by an event and the restoration of equivalent ski slope soil and/or vegetation (if disturbed) as a result of an event.

END OF MODIFIED CONDITIONS