



## ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

### DETERMINATION OF MODIFICATION APPLICATION MOD 6561 MOD 1 (DA 5937)

I, Daniel James, Team Leader, Alpine Resorts Team as delegate for the Minister for Planning 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.

**Daniel James**  
Team Leader  
Alpine Resorts Team

11 August 2014

**SCHEDULE 1**

**PART A - TABLE**

Application made by:	Charlotte Pass Village Pty Ltd
Application made to:	Minister for Planning
Modification Application:	MOD 6561 (MOD 1)
Modifying Development Application:	DA 5937
Date DA Determined:	31 May 2013
On land comprising:	Workshop Pavement Area, Charlotte Pass alpine resort
S.96 Determination made on:	11 August 2014
Date of commencement of consent:	31 May 2013 Development consent has commenced. Use of land for 'Infrastructure Facilities', Workshop Pavement Area, Charlotte Pass alpine resort.

**PART B — NOTES RELATING TO THE DETERMINATION OF MOD 6561**

**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 Secretary.

1. Amend Part C of Schedule 1 by the insertion of the **bold an underlined** works/numbers and the deletion of the struck-out words/numbers as follows:

### **PART C—DEFINITIONS**

In this consent,

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

**Applicant** means Charlotte Pass Village Pty Ltd.

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

**AS** means Australian Standard.

**BCA** means the edition of the Building Code of Australia in force at the time of lodgement of an application for a Construction Certificate.

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

**Construction Certificate** has the same meaning as Part 4A of the Act.

**DA No 5937** means the development application and supporting documentation submitted by the applicant on 9 April 2013.

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

**Department's Geotechnical Policy** means the document titled *Geotechnical Policy Kosciusko Alpine Resorts* prepared by the Department of Infrastructure, Planning and Natural Resources and dated November 2003.

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

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

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

~~**Minister** means the Minister for Planning and Infrastructure, or nominee.~~

**MOD No 6561** means the development application and supporting documentation submitted by the applicant on 3 June, 2014.

**NZS** means New Zealand Standard.

**Occupation Certificate** has the same meaning as Part 4A of the Act.

**OEH** means the NSW Office of Environment and Heritage.

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

**Regulation** 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.

**Secretary** means the Secretary of the Department, or nominee/delegate.

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

**Team Leader** means the Team Leader of Industry, Key Sites & Social Projects, Alpine Resorts (or its successors) or a delegate of the Team Leader of Industry, Key Sites & Social Projects, Alpine Resorts within the Department.



# Planning & Environment

## SCHEDULE 2

### CONDITIONS OF CONSENT

MODIFICATION APPLICATION MOD 6561 MOD 1 (DA 5937)

INSTALLATION OF AN ABOVE GROUND FUEL STORAGE TANK, WORKSHOP PAVEMENT AREA,  
CHARLOTTE PASS ALPINE RESORT, KOSCIUSZKO NATIONAL PARK.

This consent is granted subject to the following:

- (a) In Condition B.6 in Schedule 2 reference to "2014" is replaced with "2015" and hence reads as follows:

**B.6 Screens**

Plans and specifications of an appropriate screen/s shall be submitted to the Department for approval prior to being installed. The following shall be addressed in the submitted documentation:

- the screen/s shall be constructed of an appropriate material;
- the minimum height shall be equivalent to the height of the top of the tank above the ground;
- the maximum height shall be 2 metres;
- the maximum length shall be 5 metres between the tank and the boundary of KAC;
- the minimum length shall be equivalent to the length of the tank; and
- a maximum length of 3 metres can also be constructed along the road side of the tank.

The screen/s shall be installed after the 2013 winter season and prior to the 2015 winter season.

**END OF MODIFIED CONDITIONS**