



**ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979**

**DETERMINATION OF MODIFICATION APPLICATION NO DA 36-08-2011, MOD 1**

I, Daniel James, Team Leader, Metropolitan and Regional Projects South (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.

**Daniel James**  
Team Leader  
Alpine Resorts Team

\_\_\_ April 2012

RECOMMENDATION

## SCHEDULE 1

### PART A—TABLE

Application made by:	Perisher Blue Pty Ltd
Application made to:	Minister for Planning and Infrastructure
Modification Application:	DA 036-08-2011 MOD 1
Modifying Development Application:	DA 036-08-2011
Date DA Determined:	21 December 2011
On land comprising:	Lower Rollercoaster ski run, Blue Cow, Perisher Range alpine resort, Kosciuszko National Park
S.96 Determination made on:	
Date of commencement of consent:	21 December 2011

### PART B — NOTES RELATING TO THE DETERMINATION OF DA 036-08-2011 MOD 1.

#### **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 036-08-2011 MOD 1** means the modification application and supporting documentation submitted by the applicant on 13 February 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.

RECOMMENDED FOR APPROVAL

SCHEDULE 2

CONDITIONS OF CONSENT

MODIFICATION APPLICATION NO DA 036-08-2011 MOD 1

FOR THE UPGRADING AND AUTOMATION OF SNOWMAKING INFRASTRUCTURE  
LOWER ROLLERCOASTER SKI RUN, BLUE COW  
PERISHER RANGE ALPINE RESORT

This consent is granted subject to the following:

(a) Condition A.1 is deleted and replaced with:

**A.1 Development in accordance with approved documentation and plans**

The development consent incorporates the approved plans and documents stamped and detailed below:

Ref. No.	Document	Title / Description	Author / Prepared by	Date	Document Reference
1	Statement of Environmental Effects (SEE)	'Perisher Ski Resort Automation of Lower Roller Coaster Run Snowmaking System - Statement of Environmental Effects'	David Hogg Pty Ltd	July 2011	-
2	Geotechnical Site Assessment	'Geotechnical Site Assessment'	Coffey Geotechnics Pty Ltd	26 September 2011	GEOTFYSH094 60AA-01
3	Form 4	'Geotechnical Policy – Kosciuszko Alpine Resorts Form 4 – Minimal Impact Certification'	Completed and signed by Jon Thompson	28 September 2011	-
4	Emails	Two emails from Andrew Kennedy dated: (i) 9/12/2011 12:49pm; and (ii) 9/12/2011 2:51pm	Andrew Kennedy of Perisher Blue Pty Ltd	9 December 2011	-
5	Photograph	Photograph of retractable pits similar to that proposed at P12	Andrew Kennedy of Perisher Blue Pty Ltd	-	-
6	Supplementary Report	'Development Application No. DA 036-08-2011 Supplementary Report'	David Hogg Pty Ltd	February 2012	-
7	Email	'Geotechnical Advice'	Jeffrey and Katauskas Pty Ltd	24 January 2012	Appendix A of the Supplementary Report

The development shall be in accordance with these above approved plans and documentation.

**(b) Condition B.5 is deleted and replaced with:**

**B.5 Geotechnical**

All works for the development shall comply with:

- (i) the Department's Geotechnical Policy;
- (ii) the Geotechnical Site Assessment undertaken by Coffey Geotechnics Pty Ltd for the proposal, dated 26 September 2011, Reference GEOTFYSH09460AA-01 (reference 2 in condition A1); and
- (iii) the Geotechnical advice provided by Jeffrey and Katauskas Pty Ltd dated 24 January 2012 (reference 7, condition A.1).

**(c) Condition B.7 is deleted and replaced with:**

**B.7 Tree trimming**

No trees shall be removed, trimmed, lopped or damaged except as marked by a yellow dash in the approved SEE and Supplementary Report (references 1 and 6, condition A.1).

**(d) Condition C.2 is deleted and replaced with:**

**C.2 Documentation for the construction certificate**

Prior to the issue of the construction certificate, the following information shall be submitted to, and be to the satisfaction of the certifying authority:

- (a) Structural drawings and design statement - prepared and signed by an appropriately qualified practising Structural Engineer that comply with:
  - (i) section B of the BCA;
  - (ii) development consent DA 036-08-2011;
  - (iii) drawings and specifications comprising the Construction Certificate;
  - (iv) the Geotechnical Site Assessment undertaken by Coffey Geotechnics Pty Ltd for the proposal, dated 26 September 2011, Reference GEOTFYSH09460AA-01 (reference 2 in condition A.1); and
  - (v) the Geotechnical advice provided by Jeffrey and Katauskas Pty Ltd dated 24 January 2012 (reference 7, condition A.1).
- (b) Compliance with the BCA - sufficient details to demonstrate that the proposal complies with the relevant provisions of the BCA.

**(e) The following condition is inserted below Condition D.6:**

**D.7 Site P13**

- (a) Prior to the commencement of any works at site P13, the rehabilitation plan (see condition D.1) shall be amended to incorporate offset plantings for the loss of trees at site P13.
- (b) The amended plan shall be submitted to and approved by the PCA. If the Department is not the PCA, a copy shall also be submitted to the Department.

**(f) The following condition is inserted below Condition E.15:**

**E.16 Site P13**

- (a) The sod-replacement technique shall be employed along the lateral trench at this location. This means sods are to be taken as the trench is excavated, stored while construction activities are occurring, and then replaced along this trench line to rehabilitate the site.
- (b) As far as possible within the construction corridor, the native vegetation surrounding the pit at this location shall be protected from being damaged.

END OF CONDITIONS