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Our Ref: JBH:MC:21433

8 June 2022

Daniel James
Team Leader

Alpine Resorts Team | Regional Assessments
Regions, Industry and Key Sites | Department of Planning, Industry and Environment



Department of Planning
and Environment

Issued under the Environmental Planning and Assessment Act 1979

Approved Application No DA 22/4825

Granted on the 1 August 2022

Signed M Brown

Sheet No 18 of 18

Email: daniel.james@planning.nsw.gov.au

Dear Mr James,

**Lot 794, 30 Diggings Terrace - Black Bear, Thredbo
Development Application ('DA') No. 22/4825 (DA) (PAN-204581)**

We refer to DA No. 22/4825 (DA) (PAN-204581) and our letter to you dated 9 May 2022 responding to your request for additional information.

We also refer to the email dated 4 May 2022 from Mr Mark Brown requesting that Hidali provide information as to who the roads authority for the s.138 approval is, and whether the road under which works will be carried out (**Diggings Terrace**) is a public road.

In our response of 9 May 2022, we stated that we were unable to confirm whether Diggings Terrace is a public road and that further investigation was required as to whether a plan of subdivision has been registered with the relevant notation for a public road pursuant to section 9(1) of the *Roads Act 1993*.

We write to inform you that Hidali has since engaged a specialist property searcher to review the relevant plans of subdivision and gazettal notices and has determined that Diggings Terrace is not a public road. A copy of that report is attached to this letter at **Tab A (Public Road Report)**.

In accordance with the findings in the Public Road Report, Diggings Terrace is not a public road. It follows that approval under section 138 of the *Roads Act 1993* is not required for works carried out under or adjacent to the road, and that the DA is not for integrated development. Furthermore, as the DA is not for integrated development, the assessment period is 40 days and not 60 days (section 91, *Environmental Planning and Assessment Regulation 2021*).

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Please call to discuss if you have any questions regarding the findings in the attached report.

Yours faithfully



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