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Our Ref: JBH:MC:21433

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 Section 4.56 Modification Application

No MOD 22/5350 (DA 10064 MOD 1)

Granted on the 14 July 2022
13 May 2022

In respect to DA 10064

Signed Mark Brown

Sheet No 30 of 39
Department of Planning, Industry and Environment

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

Lot 794, 30 Diggings Terrace - Black Bear, Thredbo
Development Modification – Modification to approved Development
MOD No: 22/5350 (PAN-207820)

Subject: Request for additional information (Your Reference EF22/5350)

Dear Mr James,

We act for Hidali Pty Ltd (**Applicant**).

We refer to **MOD No: 22/5350 (PAN-207820)** and your request for additional information letter dated 3 May 2022 that is attached for ease of reference.

Please find below and enclosed the additional information you have requested.

We have formatted your request and the Applicant's reply into a table for ease of reference as follows.

Table 1: Request for additional information response table

Ref	<u>Column 1</u> Department of Planning and Environment Request for additional information	<u>Column 2</u> Additional Information provided by the Applicant (Hidali Pty Ltd)
1.	<u>Design</u> In relation to the 'building mechanical plan & equipment store' on level 1 (plan A-1001) that is accessed directly off the restaurant:	

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A	<p>i) Is this an appropriate location for the access door?</p> <p>ii) Could it conflict with restaurant or kitchen operations?</p> <p>iii) Could there be any compliance issues with the Food Act or Food Safety Standards given the types of uses and storage within this space?</p>	<p><u>Background</u></p> <p>The Restaurant Fitout is subject to a future Development Application.</p> <p>The Restaurant Operator (sub-leasee) is subject to future application and approval of the head-leasee (KT).</p> <p>The exact requirements for the Restaurant Fitout are unknown.</p> <p>However, the mechanical plant and equipment store will likely house refrigeration equipment for the operation of the restaurant (subject to future DA approval).</p> <p>(i) The applicant is of the opinion that this location of the access door is appropriate.</p> <p>(ii) The applicant does not believe that it will conflict with the restaurant or kitchen operations.</p> <p>(iii) The applicant does not believe that there are any compliance issues with the Food Act or Food Safety Standards at all.</p>
B	<p>Could the access doorway be relocated out of the restaurant?</p>	<p>Not that the applicant is aware.</p>
2.	<p><u>Plans</u></p> <p>Plans provided with the modification application depict areas of proposed building that now extend outside of the Land and Environment Court approved building envelope.</p> <p>For example, on Plan A-3003, the proposed building extends outside of the blue line marked 'outline of approved and physically commenced building shown in blue'. This occurs on several of the plans.</p> <p>Do these changes form part of the current modification application? Further comments are to be provided to ensure</p>	<p>When the building sections and elevations were rendered / printed, they were taken at a slight angle that unfortunately changed the print view (and linework) unintentionally.</p> <p>The applicant does not seek to modify the Land and Environment Court approved building envelope.</p> <p>The changes the applicant seeks are strictly confined to those changes below L2 FFL, and those changes listed on the changes statement.</p> <p>The applicant re-submits the Documents correcting this drafting error. (Refer to Attachment 1 – Documents).</p>

	each of these areas are addressed and appropriately documented.	
3.	<u>Geotechnical Report</u> A Geotechnical Report and Form is to be prepared having regard to the proposed modification. The report must address Section 4.1 of the Departments Geotechnical Policy and in this case, be accompanied by an amended Form 1. The Report is to have regard to the endorsed Geotechnical Report and Form 1 contained with the NSW Land and Environment Court approval.	 The applicant provides an updated Geotechnical Report and Form to support the proposed modification. The report has been updated to address Section 4.1 of the Departments Geotechnical Policy and in this case, be accompanied by an amended Form 1. The Report has been updated to provide consideration of the endorsed Geotechnical Report and Form 1 contained with the NSW Land and Environment Court approval. (Refer to Attachment 2 – Updated Geotechnical report– Alliance Geotechnical).

The Applicant welcomes the opportunity to discuss any part of this application.

Yours faithfully



Matthew Cole
Special Counsel
mcole@honeslawyers.com.au



Department of Planning and Environment

Our Ref: EF22/5350

3 May 2022

Ms Elaine Yang
Hidali Pty Ltd
Unit 10, 570 Miller Street
CAMMERAY NSW 2062

Subject: Request for additional information
Proposal: Modification to approved development
Premises: Black Bear, Thredbo
MOD No: 22/5350 (PAN-207820)

Ms Yang

I refer to the above modification application no. 22/5350 (MOD) lodged with the Department of Planning and Environment (**the Department**) on 8 April 2022.

The Minister for Planning (**Minister**), as the consent authority, considers that additional information is necessary to properly consider the MOD.

The Minister requests pursuant to section 104 of the *Environmental Planning and Assessment Regulation 2021* (**EPA Regulation**) that the Applicant provide the additional information identified in **Attachment A**.

The additional information in **Attachment A** must be given to the Department within 28 days from the date of this letter, being 31 May 2022.

Since lodgement of the MOD, 25 days have elapsed in the assessment period under Part 5 Division 4 of the EPA Regulation.

In accordance with Part 5 Division 4 of the EPA Regulation, the assessment period ceases to run during the period between this request for additional information and the day on which you provide the additional information, or on which you notify (or are taken to have notified) the Department that the additional information will not be provided.

Should you have any further enquiries, please contact me or Mark Brown, Senior Planner on (02) 6448 8500 or at mark.brown@planning.nsw.gov.au.

Yours sincerely



Daniel James
Team Leader
Alpine Resorts Team
As delegate for the Minister for Planning

Attachment A

1. Design

In relation to the ' building mechanical plan & equipment store' on level 1 (plan A-1001) that is accessed directly off the restaurant:

- Is this an appropriate location for the access door?
 - Could it conflict with restaurant or kitchen operations?
 - Could there be any compliance issues with the Food Act or Food Safety Standards given the types of uses and storage within this space?
- Could the access doorway be relocated out of the restaurant?

2. Plans

Plans provided with the modification application depict areas of proposed building that now extend outside of the Land and Environment Court approved building envelope.

For example, on Plan A-3003, the proposed building extends outside of the blue line marked 'outline of approved and physically commenced building shown in blue'. This occurs on several of the plans.

Do these changes form part of the current modification application? Further comments are to be provided to ensure each of these areas are addressed and appropriately documented.

3. Geotechnical Report

A Geotechnical Report and Form is to be prepared having regard to the proposed modification. The report must address Section 4.1 of the Departments Geotechnical Policy and in this case, be accompanied by an amended Form 1. The Report is to have regard to the endorsed Geotechnical Report and Form 1 contained with the NSW Land and Environment Court approval.