



Department of Planning
and Environment

Issued under the Environmental Planning and Assessment Act 1979

Approved Section 4.55 (1A) Modification Application

No 22/15219 granted on the 14 February 2023

In respect to DA 9954

Signed M Brown

Sheet No 15 of 33

Modification Application Supporting Report

DA 9954 Perisher Judging Tower



Source: APEX MOUNTAIN CANADA BC

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Document Control

Revision	Date	Revision Type	Author	Approved by
A	05.11.2022	FINAL	D.Bosco	A. Kennedy

1 Introduction

This Modification Application (MOD) relates to the Development Application DA 9954 which was granted development consent on 14 November 2019. The Applicant for the MOD is Perisher Blue Pty Ltd.

The Development site is located at Blue Cow in proximity to the base of Ridge Chair within Perisher Resort and Kosciuszko National Park approximately 35km south-west of Jindabyne, New South Wales (NSW).

2 Description of Modification

2.1 Background and Context

DA 9954 Permitted the construction of a two-story judging tower built using 4x recycled and refurbished shipping containers. The containers are built upon concrete columns and raised above ground level to minimize impact upon surrounding areas. The containers are painted to match surrounding environment in accordance with local policies.

The building will be used to assist in hosting event throughout the ski season with judges using the facility to view skiers in a safe environment.

2.2 Proposed Modification Summary

- Addition of a door to safely access the bottom container and comply with BCA requirements.
- Modification of handrails and deck to facilitate the new door.
- A side window to allow viewing to other parts of the slope and safe control of additional alpine events.
- Minor additional details to drawings which cover BCA requirements for handrails and safety.

2.3 Justification for Modification

The proposed modifications are required to ensure compliance with BCA requirements. Namely compliant egress from the lower container store area. Following review of the initial planning documents by our review engineers, it was deemed necessary to modify the design for safety and compliance reasons.

The changes involved adding a door to the western elevation and creating a landing and stairs to access this. The stairs, accessing the first floor and roof deck, were then swapped from discharging at the southern end of the site to the northern end with a landing linking then to the proposed new stair on the western elevation.

More detail has been added to the drawings to ensure that fabrication is completed in accordance with the BCA by eliminating potential hazards such as climbable hand rails.

The additional window has been added to allow officials and staff to view the base of ridge chair for safety, weather monitoring and crowd control.

2.4 Project Timing

Construction of the foundations is due to commence imminently. Containers for the structure have already been acquired and are partially modified and ready for erection on site. Minimal works will then be required to complete site fabrication of stairs, handrails and internal fitout.

It is proposed to have the structure complete and ready for the 2023 snow season.

3 Statutory Framework

Sections 4 and 5 of the SEE for DA 9954 provided a review and assessment against key legislation and planning instruments applicable to the Development. Construction of the proposed modification will be largely the same as the approved development under DA 9954. The works subject to this MOD do not trigger any integrated development requirements.

Additional statutory considerations relevant to this MOD are provided below.

3.1 Section 100 of EP&A Act – Content of a Modification Application

A cross-reference to the requirements for a modification application in accordance with Section 100 of the *Environmental Planning and Assessment Regulation 2021* (EP&A Regulation) is provided in **Table 1**.

Table 1 – Responses to Modification Application Requirements in accordance with Section 100

Content of modification application (Section 100 of EP&A Regulation)	Response
1) A Modification Application Must Contain	
(a) the name and address of the applicant,	Perisher Blue Pty Ltd Kosciuszko Rd, Perisher Valley NSW 2624
(b) a description of the development that will be carried out under the development consent	<p>The original development application described the installation of four shipping containers stacked on top of each other plus a staircase.</p> <p>The plans indicate inclusion of a viewing platform, access stair and rails to the top level.</p> <p>The proposed development will be situated in line with the existing timing hut and occupy approximately 54m² when completed.</p> <p>The existing timing hut will be removed.</p> <p>The containers will be cleaned, primed and painted with exterior grade 'Woodland Grey' Colorbond paint to match existing resort infrastructure.</p>

	Modification to this original application are outlined in Section 2
(c) the address and folio identifier of the land on which the development will be carried out,	The Development site is located at Blue Cow in proximity to the base of Ridge Chair within Perisher Resort and Kosciuszko National Park approximately 35km south-west of Jindabyne, New South Wales (NSW). The site is adjacent to DP1171975.
(d) a description of the modification to the development consent, including the name, number and date of plans that have changed, to enable the consent authority to compare the development with the development originally approved, whether the modification is intended i) to merely correct a minor error, misdescription or miscalculation, ii) or have another effect specified in the modification application,	<p>All changes are a result of input received following engineering review in relation to BCA compliance, safety and constructability.</p> <p>SHOP DRAWINGS MD-ST-A01-03 [A].pdf MD-ST-A01 MD-ST-A02 MD-ST-A03 MD-TTA01-08 [H].pdf MD-TT-A01 MD-TT-A02 MD-TT-A03 MD-TT-A04 MD-TT-A05 MD-TT-A06 MD-TT-A07 MD-TT-A08</p> <p>ENGINEERING DRAWINGS: [2022-05-06] COOT - Bluey Tech - Toppas Tower Perisher - Container alterations - revC[50].pdf S01C S02C S03C S04B S05B Design Certificate</p> <p>SITE LOCATION PLANS (Unchanged) A02 A01</p>
(f) a description of the expected impacts of the modification,	<p>Section 5 of the SEE for DA 9954 outlined the assessment method for the Development which remains applicable to this MOD.</p> <p>The level of environmental impact determined in SEE remains relevant with negligible changes to construction methodology, site rehabilitation or long term impacts.</p>
(g) an undertaking that the modified development will remain substantially the	The total impact of this development will remain unchanged from the originally approved development application.

same as the development originally approved,	
(h) for a modification application that is accompanied by a biodiversity development assessment report—the biodiversity credits information, whether the modification application is being made to— the Court under the Act, section 4.55, or the consent authority under the Act, section 4.56.	Not applicable
(2) Subsection (1)(i) does not apply if the consent of the owner is not required under section 98.	Perisher Blue Pty Ltd is the applicant.
(3) If a modification application under the Act, section 4.55(1A) or (2) relates to BASIX development, or BASIX optional development if the development application was accompanied by a BASIX certificate, the application must be accompanied by—	Not Applicable
(a) the BASIX certificate, or	
(b) a new BASIX certificate if the current BASIX certificate is no longer consistent with the development.	

4 Amendments to Approved Documents and Plans for DA 9954

A cross-reference is provided in Table 2 to highlight the approved plans under DA 9954 that have been amended to support this MOD.

Table 2: Revised list of documents and plans to be considered under proposed MOD to DA 9954

Electronic File Name	Title/Description	Author/Prepared By	Document Reference	Date
Original Stamped Plans.pdf	Site Location Plan	Paul Larkin	A01	15/11/18
Original Stamped Plans.pdf	Site Plan	Paul Larkin	A02	15/11/18

Shop Drawings 01.pdf	Stairs and Landing – Plan and Elevation	MADE Constructions	MD-ST-A01	6/4/20
Shop Drawings 01.pdf	Stairs and Landing – 3D View 1	MADE Constructions	MD-ST-A02	6/4/20
Shop Drawings 01.pdf	Stairs and Landing – 3D View 2	MADE Constructions	MD-ST-A03	6/4/20
Shop Drawings 02.pdf	3D View-1	MADE Constructions	MD-TT-A01	13/11/19
Shop Drawings 02.pdf	3D View-2	MADE Constructions	MD-TT-A02	13/11/19
Shop Drawings 02.pdf	3D View-3	MADE Constructions	MD-TT-A03	13/11/19
Shop Drawings 02.pdf	Elevation	MADE Constructions	MD-TT-A04	13/11/19
Shop Drawings 02.pdf	Section	MADE Constructions	MD-TT-A05	13/11/19
Shop Drawings 02.pdf	Plan Details	MADE Constructions	MD-TT-A06	13/11/19
Shop Drawings 02.pdf	Container Top 1	MADE Constructions	MD-TT-A07	13/11/19
Shop Drawings 02.pdf	Container Top 2 Section	MADE Constructions	MD-TT-A08	13/11/19
Engineering Drawings Coot.pdf	Front Isometric View	Coot Consulting Engineers	S01C	6/5/22
Engineering Drawings Coot.pdf	Rear Isometric View	Coot Consulting Engineers	S02C	6/5/22
Engineering Drawings Coot.pdf	Details 1/3	Coot Consulting Engineers	S03C	6/5/22
Engineering Drawings Coot.pdf	Stair Plan View and Details 2/3	Coot Consulting Engineers	S04B	21/5/22
Engineering Drawings Coot.pdf	Sections and Details 3/3	Coot Consulting Engineers	S05B	21/5/22
Engineering Certificate Coot.pdf	Design Check Certificate of Structural Sufficiency	Coot Consulting Engineers	2022-0143	6/5/22
Form 4 Confirmation JK.pdf	Geotechnical Review	JK Geotechnics	31926RHlet	1/11/22

5 Conclusion

This MOD relates to the construction of a new judging tower within Perisher Ski Resort. Construction involves minimal impact techniques with piles lifting the structure above natural ground surface. It is also has implemented sustainable building practices by using recycled shipping containers for construction.

The judging tower will allow hosting of word class events and provide a safe working environment for judges and officials involved with the sport. This includes coaches who will be able to review footage with

athletes and store valuable equipment safely through the season.

This MOD has considered the potential impacts of the proposal on the human, built and natural environment in accordance with relevant statutory requirements. The level of environmental impact determined in DA 9954 remains applicable to the works subject to this MOD.

The proposal will result in an increased disturbance footprint of 54 m², resulting in minimal environmental impact. The works are substantially the same as the development for which the consent was originally granted. With the implementation of appropriate environmental controls that were approved under DA 9954, the impacts of the proposal are considered acceptable.

This building will improve amenity for athletes and officials, providing a safe and comfortable environment for management of Olympic sports. The structure will also allow hosting of World Class events which will attract visitors to the area and provide for improved tourism out