

# Modification of Development Consent

## Section 4.55(1A) of the *Environmental Planning & Assessment Act 1979*

As delegate of the Minister for Planning, I hereby modify the development consent referred to in Schedule 1, in the manner outlined in Schedule 2.



Mark Brown  
**Principal Planning Officer**  
**Alpine Resorts Team**  
**Department of Planning and Environment**

Jindabyne

17 November 2023

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### SCHEDULE 1

<b>Application No.:</b>	MOD 23/12866 (DA No. 22/9145 MOD 1)
<b>Applicant:</b>	Ian Alwill (on behalf of Fjellheim Ski Lodge Co-operative Ltd)
<b>Consent Authority:</b>	Minister for Planning
<b>Land:</b>	Fjellheim Ski Lodge, 91 Burramys Road, (Lot 1 DP 1153938), Perisher Valley, Perisher Range Alpine Resort, Kosciuszko National Park
<b>Type of Development:</b>	Integrated Development
<b>Integrated Bodies:</b>	NSW Rural Fire Service
<b>Development:</b>	Increase in entranceway gable roof height by 300mm.
<b>Approved Development:</b>	Internal and external alterations to an existing tourist accommodation building as outlined in Condition A.2

Schedule 1 of Development Application No. 22/9145 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struck out~~ words as follows

## DEFINITIONS

<b>Act</b>	means the <i>Environmental Planning and Assessment Act, 1979</i> (as amended).
<b>Applicant</b>	means Ian Alwill (on behalf of Fjellheim Ski Lodge Co-operative Ltd), or any person carrying out any development to which this consent applies.
<b>Approval Body</b>	has the same meaning as within Division 4.8 of Part 4 of the Act.
<b>BCA</b>	means the edition of the Building Code of Australia in force at the time of lodgement of an application for a Construction Certificate.
<b>Certifier</b>	has the same meaning as in Part 6 of the Act.
<b>DA No 22/9145</b>	means the development application submitted by the Applicant on 20 July 2022.
<b>Department</b>	means the Department of Planning and Environment, or its successors.
<b>Development</b>	means the development approved pursuant to this consent, as defined in Condition A.2 and as modified by the conditions of this consent.
<b>Director</b>	means the Director of Regional Assessments or a delegate of the Director of within the Department.
<b>EP&amp;A Regulation</b>	means the <i>Environmental Planning and Assessment Regulation, 2021</i> (as amended).
<b>EP&amp;A Regulation (DCFS)</b>	means the <i>Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation, 2021</i> (as amended).
<b>Minister</b>	means the Minister for Planning, or nominee.
<b><u>MOD 23/12866 (DA No. 22/9145 MOD 1)</u></b>	<b><u>means the modification application lodged by the Applicant on 22 September 2023.</u></b>
<b>NPWS</b>	means the National Parks and Wildlife Service, or its successors.
<b>Non-compliance</b>	means an occurrence, set of circumstances or development that is a breach of this consent.
<b>Park</b>	means the Kosciuszko National Park reserved under the <i>National Parks and Wildlife Act 1974</i> .
<b>Precincts - Regional SEPP</b>	means the <i>State Environmental Planning Policy (Precincts – Regional) 2021</i> (as amended), that includes Chapter 4 – Kosciuszko National Park and alpine resorts.
<b>Principal Certifier</b>	means the principal certifier and has the same meaning as Part 6 of the Act.
<b><u>Principal Planning Officer</u></b>	<b><u>means the Principal Planning Officer of the Alpine Resorts Team within the Regional Assessments division (or its successors) or a delegate of the Team Leader of the Alpine Resorts Team within the Department.</u></b>
<b>Rehabilitation Guide</b>	means the NPWS document entitled: <i>Rehabilitation Guidelines for the Resorts Areas of Kosciuszko National Park</i> (2007) a copy of which is available at: <a href="#">Rehabilitation guidelines for the resort areas of Kosciuszko National Park   NSW Environment and Heritage</a>
<b>RFS</b>	means the NSW Rural Fire Service, or its successors.
<b>Secretary</b>	means the Secretary of the Department, or nominee/delegate.

<b>Secretary's approval, agreement or satisfaction</b>	means a written approval from the Secretary or nominee/delegate.
<b>Site Environmental Management Plan or SEMP</b>	means a site environmental management plan for the Subject site, prepared by the Applicant as part of Condition A.2.
<b>Stockpile Guide</b>	means the NPWS document entitled: ' <i>Soil Stockpile Guidelines for the Resort Areas of Kosciuszko National Park, October 2017</i> ', a copy of which can be obtained from the NPWS Resorts Environmental Services Team.
<b>Subject site</b>	has the same meaning as the land identified in Part A of this schedule.
<b>Team Leader</b>	means the Team Leader of the Alpine Resorts Team within the Regional Assessments division (or its successors) or a delegate of the Team Leader of the Alpine Resorts Team within the Department.

Schedule 2 of Development Application No. 22/9145 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struck out~~ words as follows

## SCHEDULE 2

### PART A – ADMINISTRATIVE CONDITIONS

#### A.2 Development in accordance with approved documentation and plans

The development may only be carried out in accordance with the:

- (a) Development Application No. DA 22/9145 and supporting documentation lodged on 20 July 2022;
- (b) additional information received during the assessment of the application;
- (c) **Modification Application (MOD 23/12866 (DA 22/9145 MOD 1) lodged on 22 September 2023;**
- (d) conditions of this consent; and
- (e) approved documents in the table below (except where modified by conditions of this consent):

Ref No.	Document	Title/Description	Author / Prepared by	Dated / Received	Document Reference
1	Statement of Environmental Effects	Proposed External and Internal Renovation of Fjellheim Ski Lodge (excluding drawing in Section 6.0)	Fjellheim Ski Lodge Co-operative Ltd	April 2022	-
2	Report	Site Environmental Management Plan	Fjellheim Ski Lodge Co-operative Ltd	April 2022	-
3	Report	Bushfire Assessment	Fjellheim Ski Lodge Co-operative Ltd	April 2022	-
4	Report	Geotechnical Assessment	Crozier Geotechnical Consultants	4 April 2022	2022-048
5	Form 4	Geotechnical Policy – Kosciuszko Alpine Resorts Form 4 – Minimal Impact Certification	Crozier Geotechnical Consultants	4 April 2022	-
6	Report	Aboriginal Heritage Impact Report	Fjellheim Ski Lodge Co-operative Ltd	May 2022	-
7	Report	Heritage Impact Statement	Fjellheim Ski Lodge Co-operative Ltd	April 2022	-

8	Plan	Site Plan	-	21 January 2022	A01
9	Plan	Basement Floor Plan	-	21 January 2022	A02
10	Plan	Ground Floor Plan	-	21 January 2022	A03
11	Plan	Elevations North and East	-	21 January 2022	A04
12	Plan	Elevations South and West	-	21 January 2022	A05
13	Plan	Section 1 and 2	-	21 January 2022	A06
14	Plan	Female Bathroom Details	-	21 January 2022	A07
15	Plan	Male Bathroom Details	-	21 January 2022	A08
16	Plan	Roof Plan	-	21 January 2022	A09
17	Bushfire Safety Authority <b><u>General Terms of Approval</u></b>	s100B – SFPP – Other Tourist Accommodation Fjellheim Ski Lodge – 91 Burramys Road, Perisher Valley NSW 2624 1//DP1153938	NSW Rural Fire Service	8 November 2022	DA20220714 009306-Oringal-1
<b><u>18</u></b>	<b><u>Modification Report</u></b>	<b><u>Modification Application Supporting Information</u></b> <b><u>RE FJELLHEIM SKI LODGE – DA 22/9145</u></b> <b><u>Corrections to Mod Drawing References</u></b>	<b><u>Fjellheim Ski Lodge Co-operative Ltd</u></b>	<b><u>October 2023</u></b>	<b><u>:</u></b>
<b><u>19</u></b>	<b><u>Plan</u></b>	<b><u>Basement Floor Plan</u></b>	<b><u>:</u></b>	<b><u>20 October 2023</u></b>	<b><u>A02 Rev.2</u></b>
<b><u>20</u></b>	<b><u>Plan</u></b>	<b><u>Ground Floor Plan</u></b>	<b><u>:</u></b>	<b><u>20 October 2023</u></b>	<b><u>A03 Rev. 2</u></b>
<b><u>21</u></b>	<b><u>Plan</u></b>	<b><u>Elevations North and East</u></b>	<b><u>:</u></b>	<b><u>20 October 2023</u></b>	<b><u>A04 Rev. 2</u></b>
<b><u>22</u></b>	<b><u>Plan</u></b>	<b><u>Elevations South and West</u></b>	<b><u>:</u></b>	<b><u>20 October 2023</u></b>	<b><u>A05 Rev. 2</u></b>

<u>23</u>	<u>Plan</u>	<u>Sections 1 &amp; 2</u>	<u>:</u>	<u>20 October 2023</u>	<u>A06 Rev.2</u>
<u>24</u>	<u>Bushfire Safety Authority</u>	<u>s100B – SFPP – Other Tourist Accommodation</u> <u>Fjellheim Ski Lodge – 91 Burramys Road, Perisher Valley NSW 2624</u> <u>1//DP1153938</u>	<u>NSW Rural Fire Service</u>	<u>07 November 2023</u>	<u>DA20220714 009306-S4.55-1</u>

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## PART B – PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

### B.10. Bush fire safety authority

Prior to the issue of the relevant construction certificate, the Certifier must be satisfied that the documentation for the construction certificate demonstrates compliance with the relevant conditions of the bush fire safety authority (reference 47 24 in Condition A.2) **and general terms of approval (reference 17 in Condition A.2).**

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## PART E – PRIOR TO COMMENCEMENT OF USE

### E.12. Bush fire safety authority

Prior to the issue of the relevant occupation certificate, the Applicant must submit documentation to be Principal Certifier to demonstrate that the works have been undertaken in accordance with the relevant conditions of the bush fire safety authority (reference 47 24 in Condition A.2) **and general terms of approval (reference 17 in Condition A.2).** A copy of the documentation is to be submitted to the Secretary or nominee with the occupation certificate documentation.

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**End of modification**  
**(MOD 23/12866 (DA No. 22/9145 MOD 1))**