



Department of Planning  
Housing and Infrastructure

*Issued under the Environmental Planning and Assessment Act 1979*

Approved Section 4.55 (1A ) Modification Application

No MOD 24/11703 (DA 10115 MOD 1)

Granted on the 15 November 2024

In respect to DA 10115

Signed M Brown

Sheet No 64 of 91



## S.4.55 MODIFICATION REPORT

### S.4.55 MODIFICATIONS TO DA 10115

#### REPLACEMENT OF THE MOUNT PERISHER DOUBLE AND TRIPLE CHAIRLIFTS WITH A SIX SEAT DETACHABLE CHAIRLIFT & ASSOCIATED WORKS

#### PERISHER SKI RESORT KOSCIUSZKO NATIONAL PARK

**JULY 2024**

Project: 10-19

**Dabyne Planning Pty Ltd**

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#### PERISHER SKI RESORT KOSCIUSZKO NATIONAL PARK

This report has been prepared by:

A handwritten signature in black ink, appearing to read 'I. Pasalich', is positioned above a horizontal line.

Ivan Pasalich  
Principal

**JULY 2024**  
Project: 10-19

Prepared for:  
Perisher Ski Resort



Dabyne Planning Pty Ltd

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## 1. Introduction

Dabyne Planning Pty Ltd has been engaged by Perisher Blue Pty Ltd (Perisher), the operator of the Perisher Ski Resort to prepare a S.4.55 Modification report in relation to modifying the development consent for DA 10116 for the replacement of the Mount Perisher double chairlift and triple chairlift with a new detachable six seat chairlift plus associated works at the Perisher Ski Resort.

The approved new chairlift includes an integrated bottom station structure (including lift bullwheel, onload and conveyor belt) and associated chair shed and lift control room as well as an integrated top station building, which is enclosed and accommodates a communications and storage room, lift bullwheel and offload area, lift control room and maintenance area.

The top and bottom station buildings are subject to the subject S.4.55 Modification Application.

To facilitate the construction of the new lift being completed prior to the 2025 winter season, the top and bottom station buildings are proposed to be staged and therefore slightly modified.

The staging will allow for the top station building enclosure to be deferred, accommodating the approved Doppelmayr D-line dome shaped roof over the bullwheel for the opening season, deferring the enclosed building construction, to Stage 2.

Similarly, the staging will allow for the bottom station enclosure to be deferred, accommodating the approved Doppelmayr D-line dome shaped roof over the bullwheel for the opening season, deferring the enclosed building construction, to Stage 2.

In response to the ongoing detailed design and construction optimisation, other minor modifications are also proposed.

This also includes modifications to several conditions.

The overall footprint and building bulk remain unchanged and the development remains substantially the same.

To allow for the proposed amendments, a S.4.55 Modification has been prepared.

## 2. Background

DA 10115 was granted approval on the 9 September 2021.

Construction commenced in December 2023 and staged works were undertaken over the past 2024 summer and will continue throughout the 2024/25 summer, with the lift planned to open for the 2025 winter season.

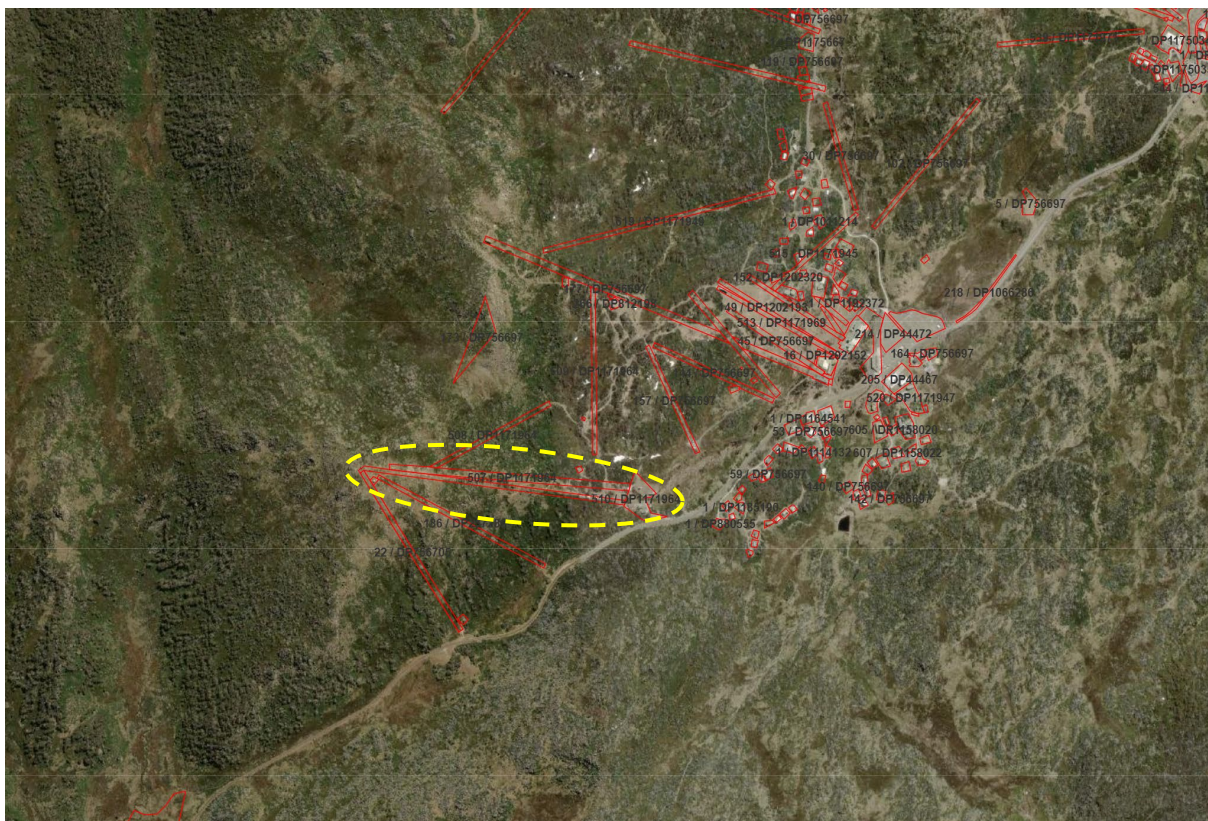
As part of the detailed design and construction programming for the development, the top and bottom stations of the development are sought to be staged to ensure that the lift construction can be completed prior to the 2025 winter season.

Accordingly, a S.4.55 Modification to the DA is required.

### 3. The Site

The subject site is located between Kosciuszko Road and the top of Mount Perisher.

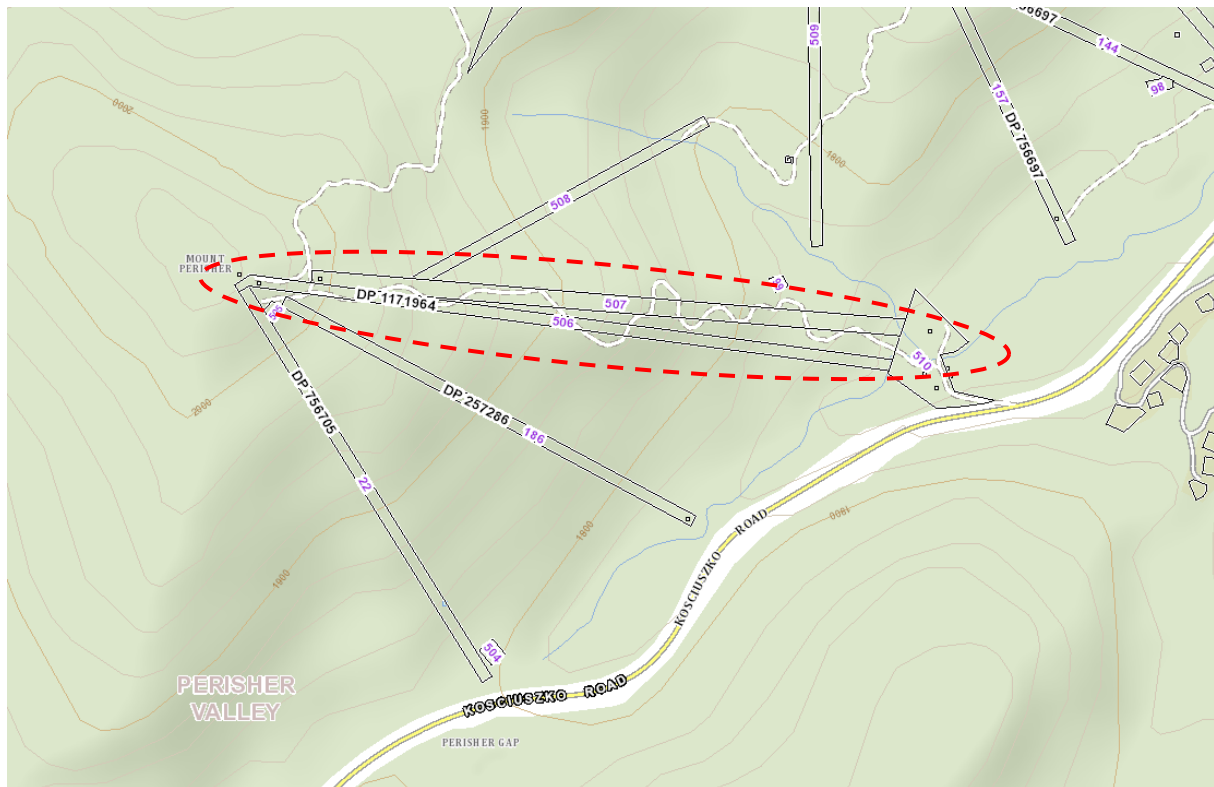
An aerial map of the resort is provided in figure 1 with the subject site highlighted.



*Figure 1: Location of the subject site in context with the wider locality*

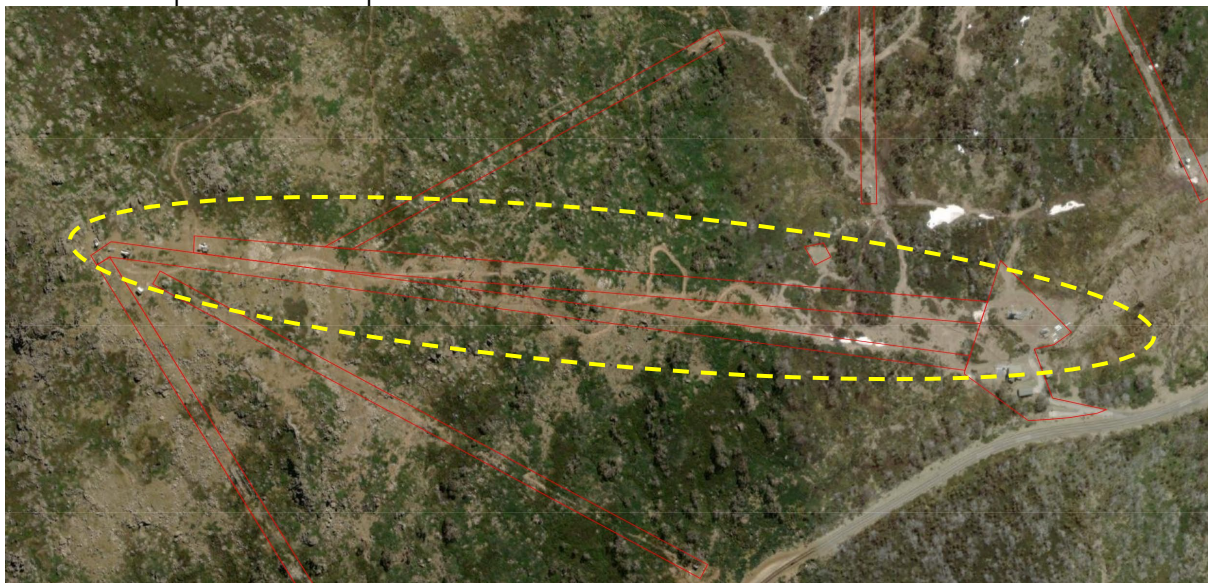
The site is located between an altitude of 1730m [AHD] and 2042m [AHD] with the Perisher Creek and its tributaries located around and below the proposed bottom station, as shown in figure 2 below.





*Figure 2: Topographic map of the subject site in context with the resort*

An aerial map of the site is provided below.



*Figure 3: Location of the subject site in context with the resort*

The site is located along a similar alignment to the current Mount Perisher triple chairlift, adjacent to the Mount Perisher double chairlift (now removed) as illustrated in the trail map provided below in figure 4 and photo in figure 5.





Figure 4: Location of the subject site in context with the ski resort (trail map)



Figure 5: Location of the subject site in context with the Mount Perisher precinct (photo)

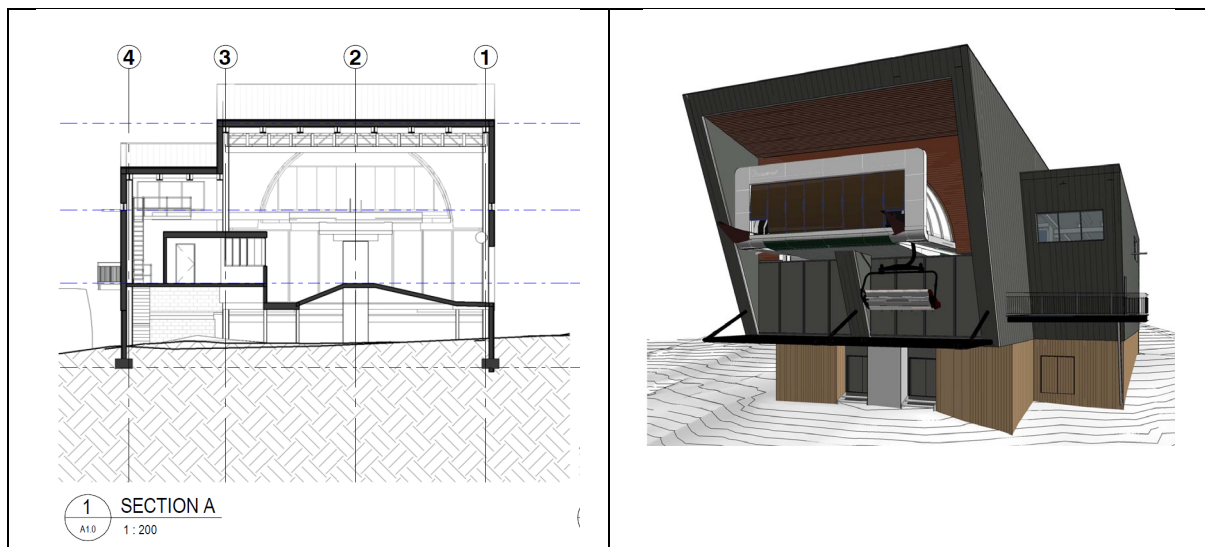
## 4. Proposed Modifications

The S.4.55 Modification is in response to the detailed design and construction programming undertaken as part of the planning and design for construction works for the lift development.

Due to the short construction season, inclement weather and the need to have the lift open for the 2025 winter season, the top and bottom stations are each to be constructed in two stages, and the plans are proposed to be modified accordingly.

### Top Station:

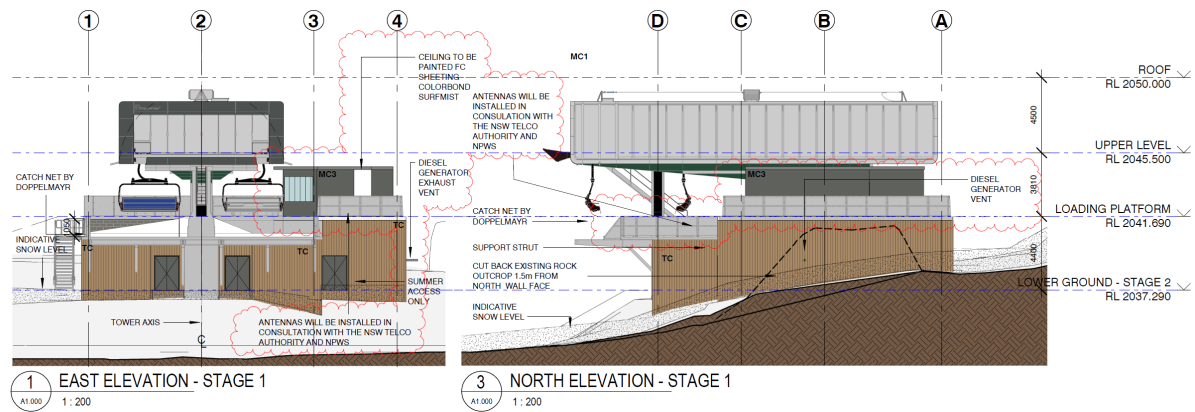
The DA approval includes an enclosed building over the top of the lift, with the lift incorporating the standard Doppelmayr D-line top station within. Extracts of the approved top station building are provided below.



*Figures 6 & 7: Cross Section and 3D image of the approved top station*

Whilst the lower ground floor will still be constructed, with a slightly modified layout, above the ground floor slab, the D-line standard Doppelmayr structure will be constructed for the 2025 season, allowing for the lift to open and operate. An extract of the modified Stage 1 top station plans is provided below.





**Figure 8: Proposed modified Stage 1 top station elevations**

A standard 3D view of a Doppelmayr D-line top station is provided below.



**Figure 9: A standard 3D view of a Doppelmayr D-line top station**

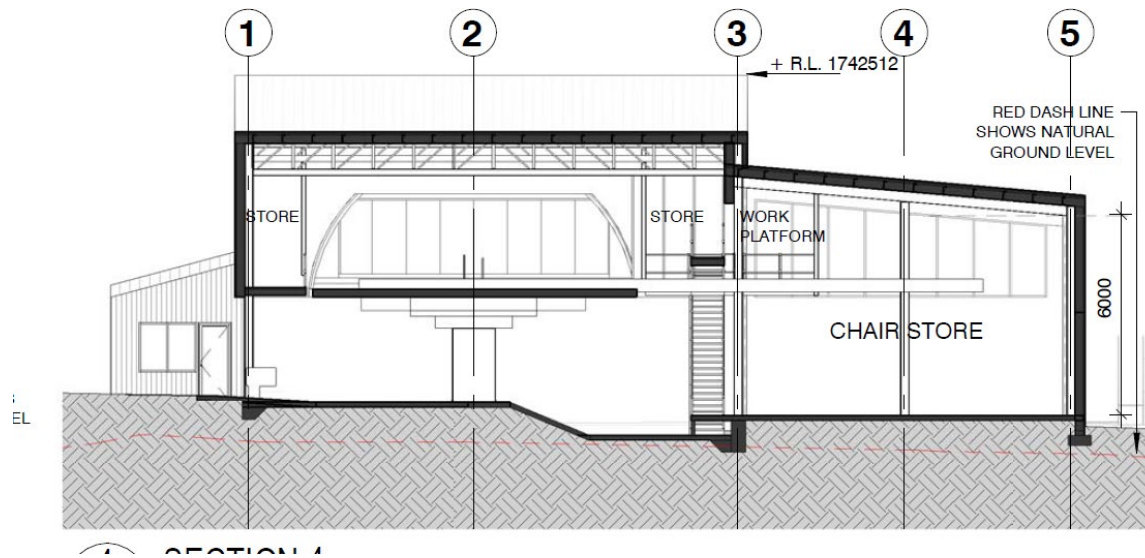
With the lower ground floor foundations and slab having been constructed so it can accommodate a future enclosed building, the staging and modified plans will allow Perisher to open and operate the lift without the enclosed building. Should Perisher choose to erect this later, they can do so as Stage 2 for the top station, obtaining a separate Construction Certificate at that time.

Other modifications to the top station include:

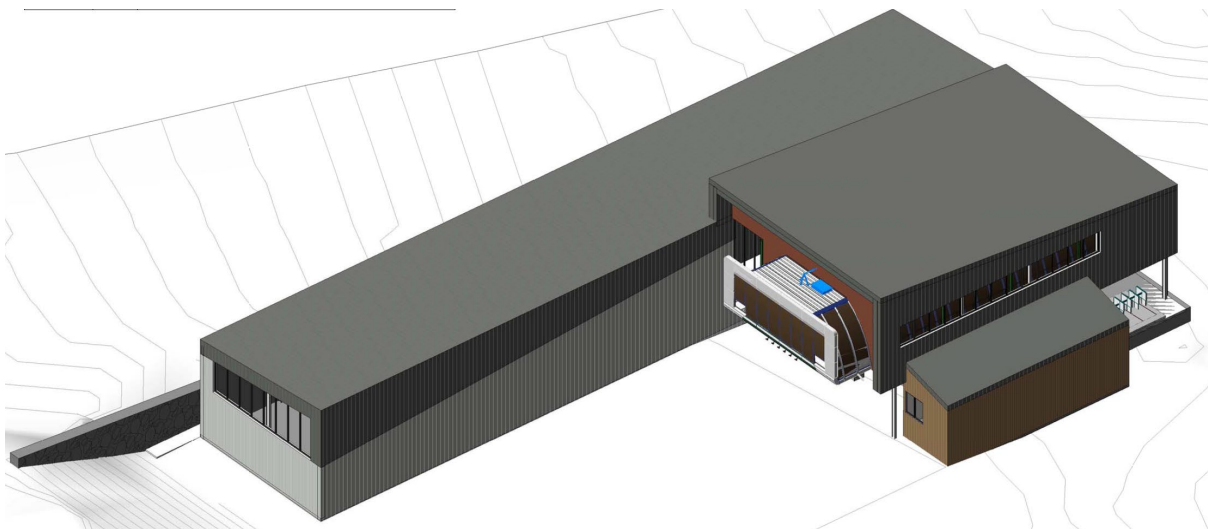
- Removal of external steel decking and associated access door at Ground level.
- Rearrangement of control hut space.
- Removal of maintenance area and associated platform.
- Addition of Southern external access stairs.
- Change of finish to Lift control hut to Metal Cladding
- Addition of internal access doors to Lower Ground level spaces.
- Addition of perimeter balustrading to Ground Level.

## Bottom Station:

The DA approval includes an enclosed building over the bottom of the lift, with the lift incorporating the standard Doppelmayr D-line bottom station within. Extracts of the approved bottom station building are provided below.

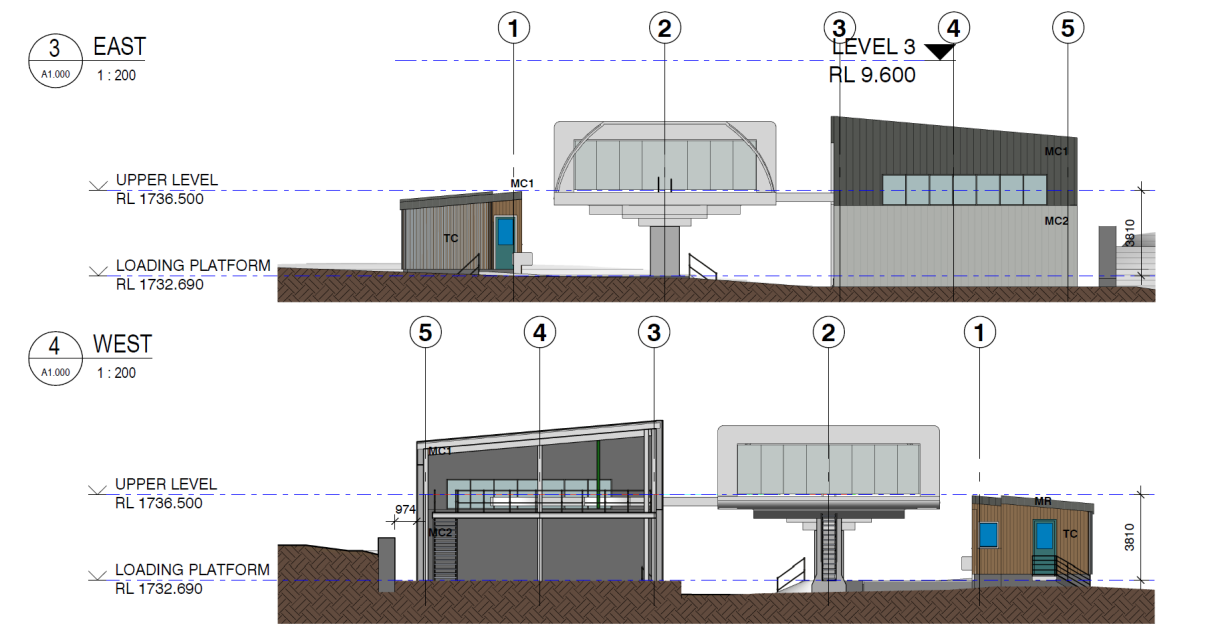


*Figure 10: Approved Cross Section of the bottom top station*



*Figure 11: Approved 3D image of the approved bottom station*

With the lower ground floor foundations and slab still being constructed so it can accommodate a future enclosed building, the staging and modified plans will allow Perisher to open and operate the lift without the enclosed building. Should Perisher choose to erect this later, they can do so as Stage 2 for the bottom station, obtaining a separate Construction Certificate at that time. An extract of the modified Stage 1 bottom station plans is provided below.



*Figure 12: Proposed modified Stage 1 bottom station elevations*

Other modifications to the bottom station include:

- Change of retaining walls from Gabion walls to Beton Blocks.
- Rearrangement of ski chairlift maintenance area to the eastern end of the chair shed store.
- Rearrangement of control hut floor plan with addition of personnel access stairs.
- Change of control hut cladding from timber to metal cladding.
- Addition of personnel access door to chair storage shed.
- Addition of access stairs on path to chair storage shed.



## 5. Proposed Amendment to Conditions

The following conditions are sought to be revised as follows:

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

Request: Amend Condition.

Comment: The revised plans uploaded into the Planning Portal are to replace the approved plans listed under Condition A.2.

### B.18 & B.19 Signage parameters & Snow fences or permanent barriers parameters:

Request: Amend Condition.

Comment: Reference to Alpine SEPP to be amended to Precincts Regional SEPP.

### E.9 Works as executed or as-built plans

Request: Amend Condition.

Comment: Works as executed plans are only necessary for any underground services.

Any visible part of the development does not require works-as-executed or as-built plans as the development is subject to a Construction Certificate, Inspection and Occupation Certificate regime, requiring the constructed development being consistent with the approved development (stamped plans).

Any visible part of the development therefore does not require a works as executed plan or as-built survey.

This is consistent with the standard conditions of consent published by the Department, with an extract below:

	required to be paid under this consent.	
<b>Residential development</b>	<p><b>Works-as-executed plans and any other documentary evidence</b></p> <p>&lt; Insert relevant timing (e.g. Before the issue of the relevant occupation certificate or subdivision certificate)&gt;, works-as-executed plans, any compliance certificates and any other evidence confirming the following completed works must be submitted to the satisfaction of the principal certifier: <b>&lt;delete below as required&gt;</b></p> <p>a) All stormwater drainage systems and storage systems, and</p> <p>b) The following matters that council requires to be documented <b>&lt;insert council requirements&gt;</b></p> <p>c) A copy of the plans must be provided to council with the <b>&lt;insert occupation certificate or subdivision certificate&gt;</b>.</p>	To confirm the location of works once constructed that will become council assets

The condition is therefore sought to be amended as follows:

***E.9 Works-as-executed plans***

*Within 12 months of the issue of the relevant Occupation Certificate, work as executed plans of underground services must be furnished to the Secretary or nominee.*

**E.13 Statement of completion**

Request: Amend Condition.

Comment: This condition is considered to be *ultra vires*, in that the Department has no statutory power to impose the requirement of a 'statement of completion' or issue such a statement under the EP&A Act, 1979. There is no statutory provision for requiring a 'statement of completion' for work that does not require a construction certificate.

There is no statutory requirement for such a statement having to be granted within 30 days of such works.

All the certifications under (b) (i), (ii), (iii) and (iv) are sufficient and are the only statements required, noting that some of these are covered by other conditions

The condition is therefore sought to be amended as follows:

***E.13 Developer Statements of Completion (for works where no CC was required)***

*For works that do not require a CC, statement/s of completion are to be provided by the developer, including:*

- (i) a statement from the appointed Environmental Officer confirming whether the soil exposure, stabilisation and rehabilitation is satisfactory and has been undertaken in accordance with these conditions of consent;*
- (ii) a statement from the appointed Environmental Officer confirming the access track works has been undertaken in accordance with the conditions of consent and incorporating photo points of selected sections prior to commencement, during and post completion;*
- (iii) certification by a geotechnical engineer or engineering geologist that the completed works are consistent with the geotechnical documentation in Conditions A.2 and any requirements of Condition C. 10; and*
- (iv) a statement outlining compliance with all relevant conditions of consent.*

These statement/s of completion must be submitted within thirty (30) days of completion of all the works where no construction certificate was issued.

## 6. Assessment under S.4.55 (1A) of the EP&A Act, 1979

Section 4.55(1A) of the Environmental Planning & Assessment Act 1979 relates to modifications involving minimal environmental impact as addressed below.

*A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:*

*i. it is satisfied that the proposed modification is of minimal environmental impact, and*

The proposed modifications will result in the same type of development in the same location, with the overall footprint and building bulk remaining unchanged, however staged.

Accordingly, the proposed modification will be of minimal environmental impact.

*ii. it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and*

The modified development will comprise of the same development type, location and function, with minor changes and staging of construction as a result of further detailed Architectural and Engineering design and the limited construction season available for completion.

The proposed modifications therefore will ensure that the development remains substantially the same.

*[c] it has notified the application in accordance with:*

*(i) the regulations, if the regulations so require, or*

*(ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*

*[d] it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.*

Not applicable.

*Subsections (1), (2) and (5) do not apply to such a modification.*

As subsection (2) and (3) does not apply to a S.4.55(1A) Modification, the following matters are not relevant to the Modification Application:

(2)(b): Consultation with the approval body in respect of a condition imposed in accordance with the general terms of approval



(2)(c): Notification or advertising of applications for modification of a development consent

(3): Taking into consideration the matters referred to in section 4.15(1) that are of relevance to the development the subject of the modification application.

Accordingly, an assessment of the matters for consideration under S.4.15 of the EP&A Act, 1979 is not required and has not been provided with this report.