

Development consent

Section 4.16 of the *Environmental Planning and Assessment Act 1979*

As delegate of the Minister for Planning, under delegation executed on 9 March 2022, I approved the Development Application referred to in Schedule 1, subject to the conditions in Schedule 2.

These conditions are required to:

- prevent, minimise, or offset adverse environmental impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring; and
- provide for the ongoing environmental management of the development.



Mark Brown
Principal Planning Officer
Alpine Resorts Team
Department of Planning Housing and Infrastructure

Jindabyne

10 July 2024

SCHEDULE 1

Application No.:	DA No. 24/7409
Applicant:	Perisher Blue Pty Ltd
Consent Authority:	Minister for Planning
Land:	Site adjoining Base Station of Mount Perisher Triple Chair Lot 510 Deposited Plan 1171964 Perisher Range Alpine Resort, Kosciuszko National Park
Type of Development:	General Development
Integrated Bodies:	Nil
Approved Development:	Outdoor dining area ancillary to commercial premises, including: <ul style="list-style-type: none">• installation and winter use of six (6) outdoor furniture settings comprising tables with attached bench seating• movement and storage of the outdoor furniture to facilitate snow grooming activities

DEFINITIONS

Act	means the <i>Environmental Planning and Assessment Act, 1979</i> (as amended).
Applicant	means Perisher Blue Pty Ltd, or any person carrying out any development to which this consent applies.
DA No 24/7409	means the development application lodged by the Applicant on 6 June 2024.
Department	means the Department of Planning, Housing and Infrastructure, or its successors.
Development	means the development approved pursuant to this consent, as defined in Condition A.2 and as modified by the conditions of this consent.
EP&A Regulation	means the <i>Environmental Planning and Assessment Regulation, 2021</i> (as amended).
Minister	means the Minister for Planning, or nominee.
Non-compliance	means an occurrence, set of circumstances or development that is a breach of this consent.
Park	means the Kosciuszko National Park reserved under the <i>National Parks and Wildlife Act 1974</i> .
Precincts - Regional SEPP	means the <i>State Environmental Planning Policy (Precincts - Regional) 2021</i> , that includes Chapter 4 – Kosciuszko National Park and Alpine Resorts).
Principal Planning Officer	means the Principal Planning Officer of the Alpine Resorts Team within the Regional Assessments division (or its successors) or a delegate of the Principal Planning Officer of the Alpine Resorts Team within the Department.
Secretary	means the Secretary of the Department, or nominee/delegate.
Secretary's approval, agreement or satisfaction	means a written approval from the Secretary or nominee/delegate.
Subject site	means that area of the Perisher Range Alpine Resort within the Park described in the documentation listed in Condition A.2 (specifically the Statement of Environmental Effects at Item 1).

SCHEDULE 2

PART A – ADMINISTRATIVE CONDITIONS

A.1. Obligation to minimise harm to environment

In addition to meeting the specific performance measures and criteria established in this consent, all reasonable and feasible measures to prevent, and if prevention is not reasonable and feasible, minimise, any material harm to the environment that may result from the construction and operation of the development.

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

The Development must be in accordance with the:

- (a) Development Application No. DA 24/7409 and supporting documentation lodged by the Applicant on 6 June 2024;
- (b) additional information provided during the assessment;
- (c) conditions of this consent; and
- (d) 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 (SEE)	Temporary Picnic Tables for use as Outdoor Dining	Perisher Ski Resort	May 2024	-
2	Document	DA23/7409 6 Aluminium Picnic Tables	Perisher Ski Resort	9 July 2024	-
3	Plan	Site Plan Temporary tables – Base Mt Perisher Triple Chairlift	Perisher	20 May 2024	Sheet 1

Note: In accordance with section 24(3)(a) of the EP&A Regulation, a Development Application is lodged on the day on which the fees payable for the Development Application under the EP&A Regulation are paid.

A.3. Inconsistency between documents

The conditions of this consent prevail to the extent of any inconsistency, ambiguity or conflict between them and a document listed in Condition A.2. In the event of an inconsistency, ambiguity or conflict between any of the documents listed in Condition A.2, the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

A.4. Lapsing of consent

This consent lapses five years after the date of consent unless work for the purposes of the Development is physically commenced.

A.5. Prescribed conditions

In undertaking the Development, the Applicant must comply with all relevant prescribed conditions of development consent pursuant to Part 4, Division 2 of the EP&A Regulation.

A.6. Australian standards

All works which are part of the Development must be carried out in accordance with relevant current Australian Standards.

A.7. Legal notices

Any advice or notice to the consent authority must be served on the Secretary.

A.8. Non-Compliance Notification

The Department must be notified in writing to compliance@planning.nsw.gov.au and alpineresorts@planning.nsw.gov.au within seven days after the Applicant becomes aware of any non-compliance.

The notification must identify the development and the application number for it, set out the condition of consent that the development is non-compliant with, the way in which it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.

A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

A.9. Limit of consent

The use of the outdoor furniture and bin receptacles, the subject of this application, is for the 2024 ski season.

PART B – USE OF OUTDOOR FURNITURE

B.1. Implementation of site environmental management measures

- (a) Prior to any activity which is part of the Development commencing:
 - (i) rubbish bins that are designed to exclude scavenging fauna and prevent impacts from water ingress or wind dispersal of rubbish must be in place in close proximity to Subject site where the outdoor furniture is placed,
 - (ii) the bins are to be cleaned regularly and retained in good working order when the outdoor furniture is available for use,
 - (iii) signage shall be affixed to each picnic table requesting patrons dispose of any rubbish in the bins provided,
 - (iv) the bin receptacles are to be emptied regularly prior to reaching capacity and waste collected must be properly secured and managed prior to disposal at a licensed waste facility.

B.2. Seasonal use on snow

The outdoor furniture and bin receptacles required to accompany the development in accordance with Condition B.1 must only be positioned for use on the Subject site during winter when there is sufficient snow on the ground to allow placement and manoeuvring of the items without damage to the natural ground surface or vegetation.

B.3. Skier Safety

The operation of the outdoor furniture and bin receptacles shall not interfere with skier movements on the adjoining ski slopes.

B.4. Protection of adjacent vegetation areas

Site management shall ensure that appropriate measures are in place to ensure that vehicles and machinery do not enter into areas of vegetation that are not part of the proposed development.

B.5. Positioning of temporary structures

The Applicant shall ensure that the outdoor furniture and bin receptacles are positioned on a level, stable surface and sufficiently weighted to ensure stability at all times. Any pegs or stakes used for stability of the temporary items are required to be protected to ensure the safety of the public.

B.6. Hours of use

The hours of use are limited to the operation of the adjoining food and drink outlet/s.

B.7. Removal / storage of outdoor furniture and bin receptacles

The outdoor furniture and bin receptacles shall be removed / stored after hours in accordance with the approved documentation and plans and these conditions of consent.

B.8. Site clean up

The subject site shall be cleaned up and appropriately reinstated to its original condition, subject to any changes as part of the approval to the satisfaction of the Secretary or nominee. The site clean-up includes but is not limited to the removal of any waste generated from the use of the site and the like.

ADVISORY NOTES

AN.1 Appeals

The Applicant has the right to appeal to the Land and Environment Court in the manner set out in the *Environmental Planning and Assessment Act, 1979* and the *Environmental Planning and Assessment Regulation, 2021* (as amended).

AN.2 Responsibility for other consents / agreements

The Applicant is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.

AN.3 Signage

No new signage is to be installed at the Subject site unless it complies with the exempt provisions of the Precincts Regional SEPP.

AN.4 Exempt mobile food and drink outlets

The Applicant is advised to request the operator/s of any exempt food and drink outlet/s operating near the outdoor dining area to first liaise with the Environmental Health Officer of the NPWS Resort Environmental Services Team and be familiar with the NSW Food Authority [Guidelines for mobile food vending vehicles \(nsw.gov.au\)](https://www.nsw.gov.au/food-authority/guidelines-for-mobile-food-vending-vehicles), as relevant.
