



Outdoor Dining for Mobile Food and Drink Premise at Mount Perisher

Development Application Assessment
DA 24/7409

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Cover image: *Main Range, Kosciuszko National Park (Source: Alpine Resorts Team)*

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Glossary

Abbreviation	Definition
BC Act	<i>Biodiversity Conservation Act 2016</i>
BC Regulation	<i>Biodiversity Conservation Regulation 2017</i>
BDAR	Biodiversity Development Assessment Report
BVM	Biodiversity Values Map
Consent	Development Consent
CPP	Community Participation Plan
Department	Department of Planning Housing and Infrastructure
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation 2021	<i>Environmental Planning and Assessment Regulation 2021</i>
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
EPI	Environmental Planning Instrument
ESD	Ecologically Sustainable Development
KNP	Kosciuszko National Park
Minister	Minister for Planning
NPWS	National Parks and Wildlife Service
Planning Secretary	Secretary of the Department of Planning Housing and Infrastructure
SEE	Statement of Environmental Effects
SEPP	State Environmental Planning Policy

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1 Introduction

This report contains the Department's assessment of the Development Application (DA 24/7409) lodged by Perisher Blue Pty Ltd (Applicant) seeking approval for the temporary installation and use of furniture for outdoor dining. The tables with seating are associated with the operation of an exempt mobile food and drink outlet on Lot 510 DP1171964 near the Bottom Station of the Mount Perisher Triple Chairlift within Perisher Range Alpine Resort, Kosciuszko National Park (KNP) (refer to **Figure 1**).



Figure 1 | Location of the site in the context of Perisher Alpine Village and the Mount Perisher Triple Chairlift
(Source: Applicant's documentation, with annotations)

The Applicant seeks approval for the installation and use of six (6) movable aluminium tables with attached bench seating, an example of which is provided in **Figure 2**. The outdoor furniture and the exempt food and drink outlet are proposed to operate whilst the adjacent chairlift is operational, and will be removed at the end of the 2024 ski season. The Applicant advises that the tables will not be restricted to guests using the mobile food and drink outlet and are available for the use of guests using the adjacent ski slope.

To facilitate grooming of the site out of operational hours, the tables will be stacked and stored adjacent to the mobile food and drink outlet and then return to the location for the commencement of operations the next day. The Applicant advises that the specific placement of the outdoor furniture may be adjusted based on snow conditions, however its general location will remain below the load of the Triple chair, in the approximate location depicted in **Figure 3**.

The site will be accessed via an over-snow vehicle to place the tables on site. The installation will be completed ready for operation of the outdoor dining area in conjunction with the placement of a mobile food and drink outlet (operating via exempt development provisions). No construction or excavation is required.



Figure 2 | Aerial photo identifying the site and style of tables proposed (Source: Applicant's documentation with annotations)



Figure 3 | Approximate location of the outdoor dining furniture (Source: Applicant's documentation)

The mobile food and drink outlet will provide waste disposal containers which will be managed by the staff in the outlet. The Applicant advises that an operating procedure for the management of the outlet has been prepared separately, which is not part of this application, and that adequate bins will be placed to ensure that food waste is disposed of at the location. The provision of the subject seating area is considered by the Applicant to have a positive waste impact as it will encourage guests to eat and drink at the tables without taking waste further into the ski area.

The supporting documents to this assessment report can be found on the NSW Planning Portal website at:

<https://www.planningportal.nsw.gov.au/development-assessment/state-significant-applications/projects/state-development-applications>

2 Matters for Consideration

2.1 Strategic Context

South East and Tableland Regional Plan 2036

The South East and Tableland Regional Plan 2036 describes the vision, goals and actions that will deliver greater prosperity for those who live, work and visit the region. The plan provides an overarching framework to guide more detailed land use plans, development proposals and infrastructure funding decisions. In relation to the alpine resorts, the Regional Plan seeks to promote more diverse tourism opportunities in the Snowy Mountains that will strengthen long-term resilience while acknowledging the environmental and cultural significance of the locality.

The proposal is consistent with the Regional Plan as it will enhance facilities for the benefit of Perisher guests, helping add to the positive experience of resort patrons in the snow sports community, which leads to continued visitation to the NSW ski fields during the winter period.

Snowy Mountains Special Activation Precinct Master Plan

The Snowy Mountains Special Activation Precinct Master Plan outlines the 40-year vision for the Snowy Mountains as a year-round tourist destination with new business opportunities, services and community infrastructure for the people that live, work and visit the region. Section 9.1.2 of the Master Plan relates to Perisher Range. The proposal is consistent with the Master Plan as the works help improve and maintain facilities that sustain the Alpine Precinct as key destination for visitors. The development supports the operation of the mobile food and drink outlet and ski resort visitation without causing significant impacts on the environmental, cultural and landscape attributes of Perisher Range.

Precincts - Regional SEPP

The proposal is consistent with Chapter 4 of the Precincts - Regional SEPP as the seasonal addition of outdoor furniture in the location proposed does not compromise the principles of ecologically sustainable development. The intended activity will be subject to conditions and will not cause adverse environmental, social or economic impacts on the natural or cultural environment, ensuring that KNP values are being protected and upheld.

Under the provisions of section 4.27 of the Precincts - Regional SEPP, the National Parks and Wildlife Service (NPWS) have a commenting role as the land manager, which includes administering the Plan of Management framework for KNP that incorporates objectives, principles and policies to guide the long-term management of the KNP. NPWS have recommended conditions relating to waste management to prevent adverse environmental impacts from the potential dispersal of items such as food and beverage containers likely to be generated by people utilising the picnic tables.

Draft South East and Tableland Regional Plan 2041

The draft plan identifies the alpine areas as providing important biodiversity to the region and acknowledges the contribution of visitation to the Snowy Mountains to the regional and state tourism economy.

The proposal is consistent with the draft Regional Plan as it will not result in adverse biodiversity impacts and supports visitor experience and the maintenance of visitation to KNP as a winter destination, along with sustaining the local, regional and state economy.

2.2 Permissibility

The proposal includes works for the installation and use of outdoor furniture, which is intended primarily as an outdoor dining area for patrons of the exempt food and drink outlet that will operate nearby. Accordingly, the Department considers that the land use is consistent with being an ancillary use to a *commercial premises*, as defined in Schedule 4A of Chapter 4 of *State Environmental Planning Policy (Precincts – Regional) 2021* (the Precincts - Regional SEPP).

Pursuant to section 4.7 of the Precincts - Regional SEPP, a temporary use ancillary to a commercial premises is permissible with consent within the Perisher Range Alpine Resort.

2.3 Mandatory Matters for Consideration

Objects of the EP&A Act

Table 1 | Objects of the EP&A Act

Objects of the EP&A Act	Consideration
(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,	The application relates to the provision of furniture to establish a guest area to rest or more easily consume food and drink items, as may be purchased from the mobile vendor who will also service the location. The establishment of outdoor furniture ancillary to a mobile food and drink outlet near the ski lift supports the ongoing use of the skiable terrain within Perisher, improving on-snow options for visitors to enjoy food and beverages available at the subject location. The proposal is considered to have a positive social and economic impact, while management of waste will ensure minimal impact on the environment.
(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,	The proposal would not have an unacceptable impact on the environment, as discussed throughout this report, thus being compatible with ecologically sustainable development. Mitigation measures relating to reducing impacts on the natural environment and waste management during operation have been included in the recommended conditions of consent.
(c) to promote the orderly and economic use and development of land,	The development seeks approval for the temporary provision of an outdoor dining area to enhance visitor experience in the ski area. This contributes to greater visitor amenity and supports winter snow sports and tourism in the Alpine Resorts, thereby promoting the ongoing orderly and economic use of the land.

(d) to promote the delivery and maintenance of affordable housing,	Not applicable to this proposal.
(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,	There is no excavation or construction associated with the provision of the outdoor dining area, and so impacts upon the environment are limited. No disturbance of a sensitive area identified on the Biodiversity Values Map is proposed, and no impact on a threatened species is anticipated.
(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),	The proposal is considered to have low potential to adversely impact built or cultural heritage. No additional assessment is required (refer also to consideration of Aboriginal cultural heritage in Table 3).
(g) to promote good design and amenity of the built environment,	The Department considers that the proposed works will not detract from any built form. The addition of the outdoor dining area is considered compatible with the setting and surroundings.
(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,	The Department has recommended conditions of consent to ensure that any rubbish left by patrons utilising the dining area is appropriately contained and managed.
(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,	The Department consulted with the NPWS and considered their response (refer to Section 3 and Section 4).
(j) to provide increased opportunity for community participation in environmental planning and assessment.	The proposal did not need to be placed on exhibition in accordance with the Department's Community Participation Plan (refer to Section 3).

Considerations under section 4.15 of the EP&A Act

Table 2 | Section 4.15(1) Matters for Consideration

Section 4.15(1) Evaluation	Consideration
(a)(i) any environmental planning instrument (EPI)	The Precincts - Regional SEPP is the principal EPI which applies to the site for this type of development. An assessment against the requirements of Chapter 4 of the Precincts - Regional SEPP is provided below.

	The Department is satisfied that the Application is consistent with the requirements of Chapter 4 of the Precincts - Regional SEPP.
(a)(ii) any proposed instrument	Not applicable to the proposal.
(a)(iii) any development control plan	Not applicable to the proposal.
(a)(iia) any planning agreement	Not applicable to the proposal.
(a)(iv) the regulations	<p>The application satisfactorily meets the relevant requirements of the EP&A Regulation, particularly the procedures relating to development applications (Part 3 and Part 4) and fees (Part 13 and Schedule 4).</p> <p>The Department has undertaken its assessment in accordance with all relevant matters as prescribed by the regulations, the findings of which are contained within this report.</p>
(a)(v) any coastal zone management plan	Not applicable to the proposal.
(b) the likely impacts of that development	The Department has considered the likely impacts of the development, where the proposal is considered to have positive economic and social impacts while the environmental and cultural values of the site and locality will be maintained. Environmental impacts have been contained where possible and site activities can be appropriately managed and mitigated through conditions of consent.
(c) the suitability of the site for the development,	The site is suitable for the development as ancillary to a mobile food and drink outlet, where the outdoor dining area supports visitor amenity and experience as part of the snow-based winter activities available in the Perisher Range Alpine Resort.
(d) any submissions made in accordance with this Act or the regulations,	Consideration has been given to agency discussions with the NPWS. Refer to Section 3 and Section 4 of this report.
(e) the public interest.	The works are consistent with the aim and objectives of Chapter 4 of the Precincts - Regional SEPP, including the objective to encourage the carrying out a suitable range of development in the Resort areas to support sustainable tourism in the Alpine Region.

Temporary impacts to the environment can be appropriately managed, mitigated and contained. The development is considered to support the economic viability of the resort while maintaining the health and diversity of the environment, thereby supporting the principles of ESD.

The approval of the proposal is considered to be consistent with the public interest.

Environmental Planning Instruments

State Environmental Planning Policy (Precincts - Regional) 2021 (Precincts - Regional SEPP) is the principal EPI applicable to the development. Consideration of the relevant provisions to the proposal within Chapter 4 of the Precincts - Regional SEPP is provided in **Table 3**.

No contamination within the site and surrounding area has been identified. There are no further matters under *State Environmental Planning Policy (Resilience and Hazards) 2021* that need to be considered.

Table 3 | Precincts - Regional SEPP, Chapter 4 considerations

Chapter 4 - Precincts - Regional SEPP - Kosciusko Alpine Region	
Section 4.9 Demolition	
The demolition of a building or work on land in the Alpine Region	The proposal does not relate to the demolition of a building or the demolition of work/s on land.
Section 4.21 Heritage conservation	
European and Aboriginal heritage	<p>Whilst the land on which the outdoor furniture is proposed to be placed is identified in the Aboriginal Archaeological Heritage Map of the SEPP as archaeologically sensitive land, no ground or vegetation disturbance will occur as a result of the development. The tables will only be moved to site and operated when there is snow on the ground.</p> <p>The outdoor seating area is also noted as being within the construction footprint of the Mount Perisher Six Seat Chairlift, previously approved via DA 10115. The Applicant notes the impact of that development (which included ground disturbance in the proposed outdoor dining area).</p> <p>Having regard to the site being a previously disturbed area, and noting the minor nature of the outdoor furniture being only in winter on snow, no further due diligence assessment is considered necessary. The</p>

proposal is considered unlikely to impact on any European or Aboriginal heritage.

Section 4.24 Flood planning

Development on land in the flood planning area

The site is not located in a flood planning area and is not subject to flooding.

Section 4.25 Earthworks

Impact of earthworks

Earthworks are not required for the installation of the outdoor dining area. Activities associated with the development will be undertaken on-snow, including the movement of the seating to facilitate snow grooming and operation of the picnic tables. The proposal is unlikely to cause the disruption to, or adversely impact on, drainage patterns or soil stability in the locality of the development. No sedimentation and erosion control measures are required.

Section 4.27 Consultation with National Parks and Wildlife Service

Consult with, and consider submissions from, the NPWS

The proposal was referred to NPWS and comments were received. Refer to consideration of NPWS referral comments in **Section 3** and **Section 4** of this report.

Section 4.28(1) – Consideration of master plans and other documents

(a) the aim and objectives of this policy, as set out in section 4.1

The proposal is consistent with the aim and objectives of Chapter 4 of the Precincts – Regional SEPP in that the development will be managed with regard to the principles of ESD. The provision of outdoor dining area is expected to improve tourist amenity during their participation in winter supports snow sports in the locality. The proposal is considered appropriate as it enhances the facilities for patrons of the mobile food and drink outlet.

(b) *(Repealed)*

(c) a conservation agreement under the *Environment Protection and Biodiversity Act 1999* of the Commonwealth that applies to the land,

Not applicable to the development.

(c) the <i>Geotechnical Policy - Kosciuszko Alpine Resorts</i> published by the Department in November 2003,	No earthworks are proposed in relation to the operation of the outdoor dining area. There are no geotechnical issues associated with the proposed development due to its limited scale and low impact.
(d) for development in the Perisher Range Alpine Resort - (i) the Perisher Range Resorts Master Plan, published by the NPWS in November 2001 and (ii) the Perisher Blue Ski Resort Ski Slope Master Plan adopted by the NPWS in May 2002.	The proposed development aims to provide an outdoor dining area ancillary to a mobile food and drink outlet as an addition to visitor facilities during the 2024 ski season within the resort. The development remains consistent with the requirements of the Perisher Range Resorts Master Plan and the Perisher Blue Ski Resort Ski Slope Master Plan.

Section 4.29 Consideration of environmental, geotechnical and other matters

Under section 4.29(1) - In deciding whether to grant development consent to development in the Alpine Region, the consent authority must consider the following -

(a) measures proposed to address geotechnical issues relating to the development,	Refer to comments in Section 4.28(1)(d) above.
(b) the extent to which the development will achieve an appropriate balance between - (i) the conservation of the natural environment, and (ii) taking measures to mitigate environmental hazards, including geotechnical hazards, bush fires and flooding,	The proposed installation of the outdoor furniture is located within a previously disturbed area adjoining a chairlift base station. The Applicant indicates that the installation, movement and management of the furniture will be undertaken in a way that will help avoid and mitigate impacts on the natural environment. The land is not subject to flooding, the development will not cause a geotechnical hazard, and no measures to protect against bushfire are required. Natural hazards have been adequately addressed.
(c) the visual impact of the proposed development, particularly when viewed from the land identified as the Main Range Management Unit in the Kosciuszko National Park Plan of Management,	The site is not visible from the Main Range Management. The visual impact of the development is considered to be negligible in the setting and it will not have adverse visual impact on the KNP.
(d) the cumulative impacts of development and resource use on the environment of the Alpine Subregion	The application proposes to establish a contained area of outdoor picnic tables for winter use. No significant adverse cumulative impacts are anticipated from the development. The proposal is regarded to have a

in which the development is carried out,	positive localised impact by providing an area in which visitors can rest and have use of tables for outdoor dining, supporting visitor experience in the Alpine Resorts.
(e) the capacity of existing infrastructure and services for transport to and within the Alpine Region to deal with additional usage generated by the development, including in peak periods,	The provision of a limited number of picnic tables is likely to benefit existing guests and is not predicted to significantly increase visitor patronage of the area. No additional impact on the surrounding infrastructure and service network is likely as a result of the development.
(f) the capacity of existing waste or resource management facilities to deal with additional waste generated by the development, including in peak periods.	While the development itself will not generate ongoing operational waste, it is considered likely that visitors will utilise the picnic tables to consume food and beverages they have either brought themselves or purchased from the mobile food outlet that will be operating nearby. The Applicant indicates that waste facilities will be provided to deal with any rubbish generated near the outdoor dining area, as will also be required via a condition of consent.
Under section 4.29(2) - For development involving earthworks or stormwater draining works, the consent authority must also consider -	
Measures to mitigate adverse impacts associated with the works	Sedimentation and erosion control measures are not necessary. No negative impacts to stormwater are anticipated.
Under section 4.29(3) - For development the consent authority considers will significantly alter the character of an Alpine Subregion, the consent authority must also consider -	
(a) the existing character of the site and immediate surroundings, and	The development will not significantly alter the character of an Alpine Subregion, or the character of the site and immediate surroundings.
(b) how the development will relate to the Alpine Subregion.	Provision of outdoor furniture at the subject site supports winter snow activities in the locality and resort visitation. The proposed development is considered to be complementary to the mobile food and drink outlet that the Applicant advises will be operating (under exempt development provisions) near the subject site. Establishment of an outdoor dining area at the location is compatible with the future anticipated use of the site

and will relate well to activities within the Perisher Range Alpine Resort Subregion.

Section 4.30 Kosciuszko National Park Plan of Management

Consistency between the development and the Kosciuszko National Park Plan of Management

The KNP Plan of Management is administered by the NPWS, who raised no objection to the proposal in their review of the application.

Ecologically Sustainable Development (ESD)

The EP&A Act adopts the definition of ESD found in the *Protection of the Environment Administration Act 1991*. ESD initiatives and sustainability have been adequately considered by the Applicant and mitigation measures are proposed to be incorporated into the design.

The proposal is consistent with the ESD principles and the Department is satisfied the proposed works have been developed having regard to ESD principles, in accordance with the objects of the EP&A Act as follows:

- the works support the orderly and economic use of the site;
- the proposal is not expected to adversely impact upon the health, diversity, or productivity of the environment for future generations; and
- the proposal does not impact upon cultural heritage, including Aboriginal cultural heritage.

Biodiversity Conservation Act 2016

Section 1.7 of the EP&A Act requires the application of the *Biodiversity Conservation Act 2016* (BC Act) in connection with the terrestrial environment. The *BC Act* introduced a *Biodiversity Offsets Scheme (BOS)* that applies when:

- the amount of native vegetation being cleared exceeds a certain threshold area; or
- the impacts occur within an area mapped on the Biodiversity Values Map (BVM) published by the Minister for Environment; or
- the 'Test of Significance', in section 7.3 of the BC Act, identifies that the development or activity is likely to significantly affect threatened species or ecological communities, or their habitats; or
- the works are carried out in a declared area of outstanding biodiversity value.

While there is currently no declared area of outstanding biodiversity value within KNP, the Department notes that no disturbance of native vegetation is proposed as part of the development, and a Test of Significance was not required due to the minor and contained nature of the development. No adverse impacts from the development on biodiversity values within KNP is considered likely.

3 Submissions

3.1 Department's engagement

The Department's Community Participation Plan (CPP – April 2024 version in place at the time of lodgement) prepared in accordance with Schedule 1 of the EP&A Act, generally requires applications to be exhibited for a period of fourteen (14) days. However, applications under Chapter 4 of the Precincts - Regional SEPP are not required to be publicly exhibited if the proposal relates to works that are wholly internal to a building or where the site is located more than fifty (50) metres from a tourist accommodation building.

The works are not within fifty (50) metres of a tourist accommodation building, and the Department did not undertake formal exhibition or notification of the development.

The Department placed the application on the NSW Planning Portal website to make the application openly available for public information, consistent with the intent of the CPP to keep the community informed and to facilitate ease of access to planning decisions.

The application was also forwarded to the NPWS pursuant to section 4.27 of the Precincts - Regional SEPP.

3.2 Summary of submissions

NPWS

NPWS reviewed the documentation supporting the application and agreed there will be minimal environmental or cultural impacts, or impacts on other matters for which NPWS is responsible. Given the minor nature of the development, NPWS raised no objections to the proposal provided standard environmental protection conditions of consent are applied to the development, including that waste management is appropriately conditioned to prevent scavenging from native fauna and that waste receptacles are regularly emptied.

4 Assessment

The Department has considered the relevant matters for consideration under section 4.15 of the EP&A Act, the SEE and supporting information, and the submission from NPWS in its assessment of the proposal. The key issues in the Department's assessment of the proposal relate to environmental impacts, waste management at the site, and public safety, as considered below.

4.1 Environmental impacts

As discussed in Section 2, no earthworks or disturbance of native vegetation is proposed. The temporary outdoor furniture items are intended to be positioned only when there is sufficient snow on the ground during the snow season of 2024. This will be supported by a condition of consent requiring that placement and manoeuvring of the furniture may only occur only when there is sufficient snow cover to prevent damage to the natural ground surface or vegetation.

Site management will also be required to ensure that appropriate measures are in place to prevent vehicles and machinery entering into areas of vegetation that are not part of the proposed development. Should any disturbance occur, such as from needing to stake the items to improve stabilisation and safety (refer to Section 4.3 below), then the subject site will be required to be reinstated to its original condition.

Given the scale and nature of the development and conditioning to contain and manage the over-snow activities involved, the development is considered to be unlikely to have a significant effect on threatened species, populations or ecological communities or their habitats.

The NPWS raised no concerns in relation to the location of the proposed works and have only requested conditioning relating to the management of waste (refer to Section 4.2 below).

4.2 Waste and management at the site

The outdoor dining area will be used in conjunction with a temporary food and drink outlet. Waste packaging is likely to be generated in the locality from the consumables purchased on-site as well as items brought to the site by the visitors. Conditions are recommended to require that sufficient waste receptacles are placed at the outdoor dining area and for them to be secured to prevent fauna scavenging or the carriage of litter by wind, as well as being emptied at regular intervals, as required.

The recommended conditions are considered adequate to help ensure the adoption of suitable litter management processes are in place to avoid, minimise and mitigate the potential impacts associated with rubbish generation that may be associated with the outdoor dining area. The Department in consultation with the NPWS is satisfied that waste at the site can be suitably managed subject to the adoption of recommended conditions.

4.3 Public safety and amenity

The Department will require that the Applicant ensures the outdoor furniture and bin receptacles are positioned on a level, stable surface and sufficiently weighted to ensure stability at all times. If any pegs or stakes are required to be used for stability of the items, they are required to be protected to ensure the safety of the public.

No additional public restroom facilities such as toilets or handwashing facilities will accompany the provision of the outdoor dining area. Patrons will be required to continue to access the current facilities available

within the broader precinct, including those at the former Mount Perisher Double Chair bottom station where the Powder Inn Restaurant is located.

While the proposed outdoor dining area is located down-slope from the off-loading area of the adjoining Mount Perisher chairlift, it is not directly within the usual corridor for snow-sports. The placement of the picnic tables and bins in the subject location is regarded as being unlikely to cause an obstacle to usual visitor movements in the area. However, the Department will apply a condition of consent to ensure that the operation of the outdoor dining area does not interfere with skier movements on the adjoining ski slopes to help ensure that safety and functionality of the terrain for snow sports remains a priority.

The Department concludes that the development will improve the amenity of visitors in the locality while impacts to the environment can be sufficiently avoided and mitigated. Accordingly, the location is considered suitable for the establishment of the outdoor dining area ancillary to a food and drink outlet without causing adverse impacts to the natural environment or a hazard or disruption in relation to other resort activities. The Department has recommended standard conditions applied in the Alpine area, and subject to compliance with the conditions, the Department considers that the proposed location is suitable for the intended purpose.

5 Recommendation

The Department has assessed the merits of the proposal in accordance with the relevant requirements of the EP&A Act. The Department's assessment concludes the proposal is acceptable as:

- the proposal is permissible with consent under the Precincts - Regional SEPP,
- there will not be a significant impact on any threatened species, populations or ecological communities, and the natural environment and cultural values associated with KNP are protected, and
- the temporary addition of the outdoor dining area will provide a minor but valuable addition to support visitor amenity and visitation to Perisher Range Alpine Resort while having a minimal and manageable impact on the environment.

Overall, the Department is satisfied that the proposal is suitable for the site and in the public interest.

The Department, therefore, recommends that the application be approved, subject to recommended conditions. In accordance with the Minister's delegation of 9 March 2022, the Principal Planning Officer, Alpine Resorts Team may determine the application as:

- no reportable political donation has been disclosed,
- there are less than fifteen (15) public submissions in which objection to the proposal has been raised,
- the application is in relation to land to which Chapter 4 of the Precincts - Regional SEPP applies.

It is recommended that the Principal Planning Officer, Alpine Resorts Team, as delegate of the Minister for Planning:

- **considers** the findings and recommendations of this report
- **accepts** and adopts the findings and recommendations in this report as the reasons for making the decision to grant consent to the application
- **agrees** with the key reasons for approval listed in the notice of decision
- **grants** consent for the application in respect of DA 24/7409, subject to the recommended conditions
- **signs** the attached Development Consent (**Appendix A**).

Recommended by:



Sandria Butler
Senior Planning Officer
Alpine Resorts Team

Adopted by:



10/7/2024

Mark Brown
Principal Planning Officer
Alpine Resorts Team, Regional Assessments
as delegate of the Minister for Planning

Appendices

Appendix A – Recommended Instrument of Consent