

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
Team Leader Assessment
Alpine Resorts Team
Department of Planning Housing and Infrastructure

Jindabyne

15 July 2025

SCHEDULE 1

Application No.:	DA No. 25/5820
Applicant:	Perisher Blue Pty Ltd
Consent Authority:	Minister for Planning
Land:	Site adjoining Powder Inn building Lot 510 Deposited Plan 1171964 Perisher Range Alpine Resort, Kosciuszko National Park
Type of Development:	General Development
Integrated Bodies:	Nil
Approved Development:	Commercial premises, including installation and winter use of: <ul style="list-style-type: none">• a temporary kiosk for winter of 2025, 2026 and 2027, and• ancillary outdoor dining area comprising ten (10) tables with attached bench seating and rubbish bins

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.
Approval Body	has the same meaning as within Division 4.8 of Part 4 of the Act.
BCA	means the edition of the Building Code of Australia in force at the time of lodgement of an application for a construction certificate.
Certifier	has the same meaning as in Part 6 of the Act.
DA No 25/5820	means the development application lodged by the Applicant on 6 June 2025.
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).
EP&A (DC&F) Regulation	means the <i>Environmental Planning and Assessment (Development Certification and Fire Safety) 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.
NCC	means the National Construction Code.
NPWS	means the National Parks and Wildlife Service, or its successors.
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 Certifier	means the principal certifier and has the same meaning as Part 6 of the Act.
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).
Team Leader	means the Team Leader Assessments of the Alpine Resorts Team within the Regional Assessments division (or its successors) or a delegate of the Team Leader Assessments of the Alpine Resorts Team within the Department.

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 25/5820 and supporting documentation lodged by the Applicant on 6 June 2025;
- (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)	Installation of Mobile Food Van, Use of Deck for Outdoor Dining and Business Identification Signage	Perisher Blue Pty Ltd	11 April 2025	-
2	Plan	Site Plan Location Plan	Perisher Blue Pty Ltd	30 May 2025	Version 2
3	Plan	Floor Plan showing location of food van and connections to existing plumbing	Perisher Blue Pty Ltd	6 June 2024	Revision B
4	Plan	Elevations Proposed Transportable Food Hut Guthega	Perisher Blue Pty Ltd	30 May 2025	-
5	Structural Engineers Report	Structural Assessment of Timber Decking - Powder Inn Food Van Kosciuszko Rd, Perisher Valley	Camstruct Consulting	30 May 2025	24085LTR
6	Letter	Response to Request for Clarification Applicant's request to limit the duration of the development	Perisher Blue Pty Ltd	10 July 2025	-

Note 1: In accordance with section 38 of the EP&A Regulation, an amended Development Application is taken to be lodged on the day which the Department notified the Applicant that the lodgement date for the amended Development Application applies.

Note 2: Any reference to the food van or mobile food van in the approved documentation is taken to be amended to temporary kiosk.

Note 3: No signage is approved as part of this development.

Note 4: Approval of Item 3 above relates only to the plumbing and electrical connection from the kiosk to the locations within the Powder Inn building, and not to any other elements or details on the plan.

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. Materials and Finishes

The approved materials and finishes must be consistent with the following, or as otherwise approved in writing by the Secretary or nominee.

Location	Material	Colour
Kiosk	Metal wall and roof cladding/ sheeting Wainscot cladding decal to wall base. Paint trim - limited to narrow strip on wall perimeters only	Dark Grey – matching predominant colour of Powder Inn building. Timber-look Orange (Hot Ginger) – matching trim of Powder Inn building
Outdoor dining	Aluminium picnic tables	Grey – untreated aluminium chrome colour
Deck	Timber	Natural

Note: Further to the approved colour scheme outlined above, being pursuant to consent required under the Act, the colour scheme for the kiosk must also be approved by the NPWS in accordance with the lease provisions that relate to the site.

A.10. Limit of consent

- (a) Use of the temporary kiosk (Powder Out) is approved for use during Winter only for the three ski-seasons of 2025, 2026 and 2027. Following the conclusion of the 2027 winter ski season, the temporary kiosk building must be removed from the site, and all associated service connections must be disconnected and removed prior to the end of November 2027.
 - (b) The outdoor dining area comprising outdoor furniture and bin receptacles are to be available for use in winter only when the adjoining food and drink premises are open and operational, as may be either the kiosk (Powder Out) or restaurant/ café in the adjoining building (Powder Inn), or both.
 - (c) No cooking is to be carried out in the kiosk.
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PART B – PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

B.1. Construction certificate

Building work must not commence until a relevant construction certificate has been issued by a certifier. Prior to the issue of the construction certificate, the certifier must be satisfied that the documentation for the construction certificate demonstrates compliance with the conditions in Part B of this development consent.

Note: a construction certificate is required prior to commencing any building works associated with the development consent.

B.2. Documentation for construction certificate

Detailed plans, specifications and supporting documentation for the proposed building works must be submitted to the certifier demonstrating compliance with the National Construction Code NCC-BCA. Information provided must include the following:

- (a) utilities and services (including electricity, water, sewer, gas and telecommunications);
 - (b) provisions of any termite treatment products where necessary.
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PART C – PRIOR TO THE COMMENCEMENT OF WORKS

C.1. Notification of commencement

- (a) The Applicant must notify the Department in writing, at least 48 hours prior, of the date of commencement of physical work for the Development.
- (b) If the construction of the Development is to be staged, the Applicant must notify the Department in writing at least 48 hours prior to each construction stage, of the commencement date and extent of works to be carried out for the Development in that stage.

C.2. Plumbing and drainage

Prior to the commencement of works which are part of the Development, a Notice of Work must be pre-notified to the plumbing regulator (NPWS Perisher Team) in accordance with the *Plumbing and Drainage Act 2011*.

A copy of the notice of works must also be provided to the Department.

Note: refer to the NPWS website for more information

<https://www.environment.nsw.gov.au/topics/parks-reserves-and-protected-areas/park-management/alpine-resort-management/our-services/plumbing-and-drainage>

C.3. Erection of construction sign

A sign must be erected in a prominent position on any site on which any approved building and/or demolition work is being carried out:

- (a) showing the name, address and telephone number of the principal certifier for the work;
- (b) showing the name of the principal contractor (if any) for the building work and a telephone number on which that person may be contacted outside working hours;
- (c) stating that unauthorised entry to the work site is prohibited; and
- (d) the sign must be durable, weatherproof and maintained while the approved building and/or demolition work is being carried out and must be removed when the work has been completed.

C.4. Implementation of site environmental management measures

Prior to any works which are part of the Development commencing, all site environmental management measures in accordance with the approved documentation (Condition A.2), the SEMP (Condition C.7) and these conditions of consent, shall be in place and in good working order.

C.5. Machinery, equipment and materials

- (a) Prior to Subject site mobilisation, all equipment, machinery and vehicles used during construction and removal of the Development must be cleaned prior to entry into the Park, or if already within Perisher Range Alpine Resort cleaned prior to redeployment to the site, to ensure they are free of mud and vegetative propagules.
- (b) Equipment, machinery, and vehicles must be regularly maintained and manoeuvred to prevent the spread of exotic vegetation. Storage of equipment, machinery, vehicles and material is to be restricted to existing disturbed hardstand areas and not be stored on native vegetation.

C.6. Compliance

The Applicant must ensure that all employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the development.

C.7. Site Environmental Management Plan

Prior to the commencement of works, a detailed Site Environmental Management Plan (SEMP) must be provided and approved by the Secretary or nominee, which includes the following:

- (a) during the installation and removal of the kiosk and service platform, a plan of the site indicating the location of all work vehicles, trucks, the crane, hardstand areas and biodiversity mapped vegetation, and the environmental protection and public safety processes to be in place during the process;
 - (b) should any aspect of the kiosk installation, removal or relocation be sought to be undertaken over-snow, this must occur in consultation with the NPWS and with the written consent of the Secretary or nominee. An assessment of the snow coverage and pack must be provided that demonstrates adequate snow will be in place to minimise damage to vegetation or to the track area, including by any vehicle or implement involved in the process. No ground disturbance should occur;
 - (c) at the end of the operating period, the sewage pipe servicing the kiosk must be inspected to ensure that it is empty prior to removal, noting that the deck under which the waste pipe infrastructure is to be installed to service the kiosk is a highly sensitive environment directly over the Perisher River; and
 - (d) during the operation of the outdoor dining area, the process by which the Perisher Hospitality Staff of Powder Inn (café restaurant) and/or Powder Out (kiosk) will be responsible for the monitoring the outdoor dining area and the removal of rubbish, and the location of where rubbish will be stowed when the outdoor dining tables are cleared and bins emptied by the kiosk operator.
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PART D – DURING CONSTRUCTION / INSTALLATION

D.1. Approved plans and documentation

A copy of the approved plans and documentation must be kept by the Applicant on the Subject site at all times and be readily available for perusal by any person associated with the construction works, or an officer of the Department or NPWS. Without limitation, this condition applies to the following approved documentation:

- (a) this consent and its schedule of conditions;
- (b) the approved documentation and plans (refer to Condition A.2), and
- (c) SEMP (refer to Condition C.7).

D.2. Hours of work

All work in connection with the proposed Development must be carried out between the hours of 7.00am and 6.00pm, 7 days a week, or as otherwise approved by the Secretary or nominee.

D.3. Construction period

- (a) All works are limited to the “summer period” and are not to commence when snow is located on the Subject site. For the purposes of this condition, the summer period means the period of time commencing after the October long weekend (subject to no snow being on the Subject site) and ending no later than 30 April the following year in each year works are required to complete the Development, with finishing of rehabilitation and stabilisation works up until 30 May, or as otherwise approved by the Secretary or nominee.
- (b) By 30 April in each year works are required to complete the Development, the Applicant must ensure that the Subject site is made safe and secure (having regard to the use of the area) by undertaking the following:
 - i. removal of all materials, vehicles, machinery, equipment and the like;
 - ii. removal and/or securing of all stockpiles of soil and gravel;
 - iii. protecting and fencing off any areas that are unsafe, for instance due to incomplete works;
 - iv. stabilisation and rehabilitation works in accordance with these conditions of consent and the approved documentation (can occur until 30 May if required); and
- (c) any other specific matters related to making the Subject site safe and secure raised by the Secretary or nominee.

D.4. Construction activities and management

At all times during the construction phase of the Development and unless agreed otherwise by the Secretary or nominee in writing, the Applicant must ensure that:

- (a) all construction activities in connection with the Development are confined to the hardstand areas of the Subject site;
- (b) all equipment, materials storage areas and waste management bins must be placed so as not to impact on native vegetation;
- (c) no disturbance or other adverse environmental impacts occur outside the Subject site;
- (d) construction vehicles must be parked in existing driveways or carparks; and
- (e) all measures to minimise, mitigate and manage adverse environmental impacts of the Development are adhered to.

Note: The damage or removal of any native vegetation that is not the subject of this consent requires further authorisation under the National Parks and Wildlife Act 1974 or the Environmental Planning and Assessment Act 1979. Failure to obtain authorisation may result in compliance action under that legislation.

D.5. Plumbing and drainage works

All plumbing and drainage work which are part of the Development must comply with the Plumbing Code of Australia and Australian Standard AS/NZS 3500 *Plumbing and drainage* and must be carried out by an appropriately licensed plumber.

D.6. Asbestos

- (a) The removal of any asbestos or other hazardous material found on the Subject site must be carried out in accordance with current SafeWork NSW guidelines and only by an appropriately qualified and licensed contractor.
- (b) Any asbestos or other hazardous materials must be disposed of at an authorised waste facility. Receipts must be provided to the Principal Certifier by the Applicant as evidence of appropriate disposal.

D.7. Loading and unloading of construction vehicles

All loading and unloading associated with construction must be restricted to those areas approved on the plans and these conditions.

D.8. Electrical works

All electrical works must be carried out by a qualified and licensed electrical contractor and installed in accordance with the relevant Australian Standards.

PART E – PRIOR TO USE OR ISSUE OF AN OCCUPATION CERTIFICATE

E.1. Occupation certificate

Prior to any occupation of the building or the commencement of use(s) which are part of the development, an occupation certificate must be issued by the Principal Certifier.

E.2. Plumbing and drainage works

Prior to the issue of the relevant occupation certificate, a Certificate of Compliance and Sewer Service Diagram must be provided to the plumbing regulator (NPWS Perisher Team) in accordance with *Plumbing and Drainage Act 2011*.

E.3. Fire services

Prior to the issue of an occupation certificate, a portable fire extinguisher complying with AS 2444 - 2001, 4.5kg ABE and a fire blanket complying with AS 2444 – 2001 must be installed inside the temporary kiosk structure.

E.4. Food and drink premises

- (a) Prior to the commencement of use, detailed plans indicating how the proposal complies with the provisions of the *Food Act 2003*, the *Australian Standard AS4674 - 2004 Design Construction and Fit-out of Food Premises*, and the *Australian New Zealand Food Standards Code* must be submitted to the NPWS;
- (b) NPWS must be notified of the food business in accordance with the NSW Food Act 2003 and the Australia New Zealand Food Standards Code 3.2.2 – Food Safety Practices and General Requirements. Documentary evidence of the notification is to be provided to the Principal Certifier and form part of the occupation certificate documentation; and
- (c) Prior to the issue of the relevant occupation certificate, the food premises must be inspected by NPWS as the public health authority within the Park, to determine compliance with the *Food Act 2003*, *Food Safety Standards* and *Australian Standard AS 4674: Design, Construction and Fit-out of Food Premises*. Evidence of a satisfactory inspection must be provided to the Principal Certifier and form part of the relevant occupation certificate documentation.

E.5. Structural Engineering

- (a) Prior to the commencement of use, a structural engineering report must be submitted to the Principal Certifier. This report is to be prepared by a qualified and currently practicing structural engineer and must confirm that the proposed temporary kiosk, the customer service platform and staff stairs are structurally adequate and fit for their intended purposes. The assessment must consider:
 - i. relevant permanent actions (dead loads);
 - ii. maximum likely imposed actions (live loads);
 - iii. wind and snow actions; and
 - iv. load combinations.
- (b) The report referred to in (a) of this condition must:
 - i. include any recommendations or measures necessary to ensure structural adequacy;
 - ii. cover the full duration of the time from installation in July 2025 until removal from the site prior to the end November 2027.

PART F – OPERATIONAL

F.1. Implementation of outdoor dining management measures

During operation of the kiosk and outdoor dining area:

- (a) rubbish bins that are designed to exclude scavenging fauna and prevent impacts from water ingress or wind dispersal of rubbish must be in place on the deck of the Subject site;
- (b) the rubbish bins referred to in (a) are to be emptied regularly prior to reaching capacity, and waste collected must be properly secured and managed in accordance with the SEMP (refer to Condition C.7) prior to disposal at a licensed waste facility;
- (c) signage shall be affixed to each picnic table requesting patrons dispose of any rubbish in the bins provided;
- (d) the picnic tables and rubbish bins are to be sufficiently weighted to ensure stability and safety at all times when available for use. When the kiosk is not in operation, the picnic tables and rubbish bins shall be removed and securely stored;
- (e) should it be required, a safety barrier shall be erected on the edges of the deck to ensure patron safety during use of the deck as an outdoor dining area; and
- (f) the outdoor dining area and surrounding locality must be monitored regularly by Perisher hospitality staff and any wind-born rubbish found in the locality must be immediately retrieved and secured by managing staff.

F.2. Food standards

The proprietor of the food business shall:

- (a) ensure that all fixtures and fittings within the premises are maintained in accordance with Standard 3.2.3 of the *Australian New Zealand Food Standards Code*; and
- (b) forward a copy of the Food Safety Supervisors Certificate to the NPWS. A copy must also be kept on the premises and presented for inspection to an authorised officer of the NPWS on request.

F.3. Fire services

The fire extinguisher and fire blanket must form part of a servicing schedule of a fire services contractor in accordance with AS 1851 – 2012.

PART G – REMOVAL OF STRUCTURES

G.1. Plumbing and drainage

- (a) Prior to commencement of removing the sewerage connection to the kiosk that is part of the Development, a Notice of Work must be pre-notified to the plumbing regulator in accordance with the *Plumbing and Drainage Act 2011*. This notice must also be provided to the Department;
- (b) Details of the process by which the pipes are to be cleared and drained to prevent loss of any material into the surrounding environment are to be provided with the Notice of Work; and
- (c) All plumbing and drainage work which are part of the Development must comply with the Plumbing Code of Australia and must be carried out by an appropriately licensed plumber.

Note: refer to Condition C.2. for details relating for the plumbing regulator.

G.2. Electrical works

All electrical works to disconnect the kiosk from electrical services must be carried out by a qualified and licensed electrical contractor and the electrical connection point decommissioned and made safe in accordance with the relevant Australian Standards.

G.3. Removal process

- (a) All vehicles, implements and equipment used during the decommissioning of services and removal of the works that are part of this Development are to be positioned on hardstand areas;
 - (b) The kiosk, service platform, steps and outdoor furniture must be removed and placed directly onto a vehicle or on a hardstand area, and not relocated or stored in a manner that may cause ground disturbance or adversely impact native vegetation; and
 - (c) No over-snow works are to be carried out unless approved and carried out in accordance with a process approved in accordance with the SEMP (refer to Condition C.7).
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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. This will include (but is not limited to) consent from the NPWS relating to the Food Act, plumbing works and the kiosk colour scheme.

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.
