



Temporary Installation of Kiosk and Use of Deck for Outdoor Dining Powder Inn, Perisher

Development Application Assessment
DA 25/5820

July 2025

Published by the NSW Department of Planning, Housing and Infrastructure

dphi.nsw.gov.au

Title: Temporary Installation of Kiosk and Use of Deck for Outdoor Dining, Powder Inn, Perisher

Subtitle: Development Application Assessment, DA 25/5820

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

© State of New South Wales through Department of Planning, Housing and Infrastructure 2025. You may copy, distribute, display, download and otherwise freely deal with this publication for any purpose, provided that you attribute the Department of Planning Housing and Infrastructure as the owner. However, you must obtain permission if you wish to charge others for access to the publication (other than at cost); include the publication in advertising or a product for sale; modify the publication; or republish the publication on a website. You may freely link to the publication on a departmental website.

Disclaimer: The information contained in this publication is based on knowledge and understanding at the time of writing (July 2025) and may not be accurate, current or complete. The State of New South Wales (including the NSW Department of Planning, Housing and Infrastructure), the author and the publisher take no responsibility, and will accept no liability, for the accuracy, currency, reliability or correctness of any information included in the document (including material provided by third parties). Readers should make their own inquiries and rely on their own advice when making decisions related to material contained in this publication.

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

Contents

1	Introduction	1
2	Matters for Consideration	6
2.1	Strategic Context	6
2.2	Permissibility	7
2.3	Mandatory Matters for Consideration	7
3	Submissions	17
3.1	Department's engagement	17
3.2	Summary of submissions	17
4	Assessment	18
4.1	Environmental impacts	18
4.2	Waste management at the site	18
4.3	Public safety and amenity	19
4.4	Structural adequacy	19
5	Recommendation	20
	Appendices	21
	Appendix A – Recommended Instrument of Consent	21

1 Introduction

This report contains the Department's assessment of the Development Application (DA 25/5820) lodged by Perisher Blue Pty Ltd (Applicant) seeking approval for the installation of a temporary food and drink kiosk and for use of a deck for outdoor dining. The site is located southwest of Perisher Village in the Perisher Valley, adjacent to the Powder Inn building on Lot 510 DP1171964 within the Perisher Range Alpine Resort, Kosciuszko National Park (KNP) (refer to **Figure 1**).

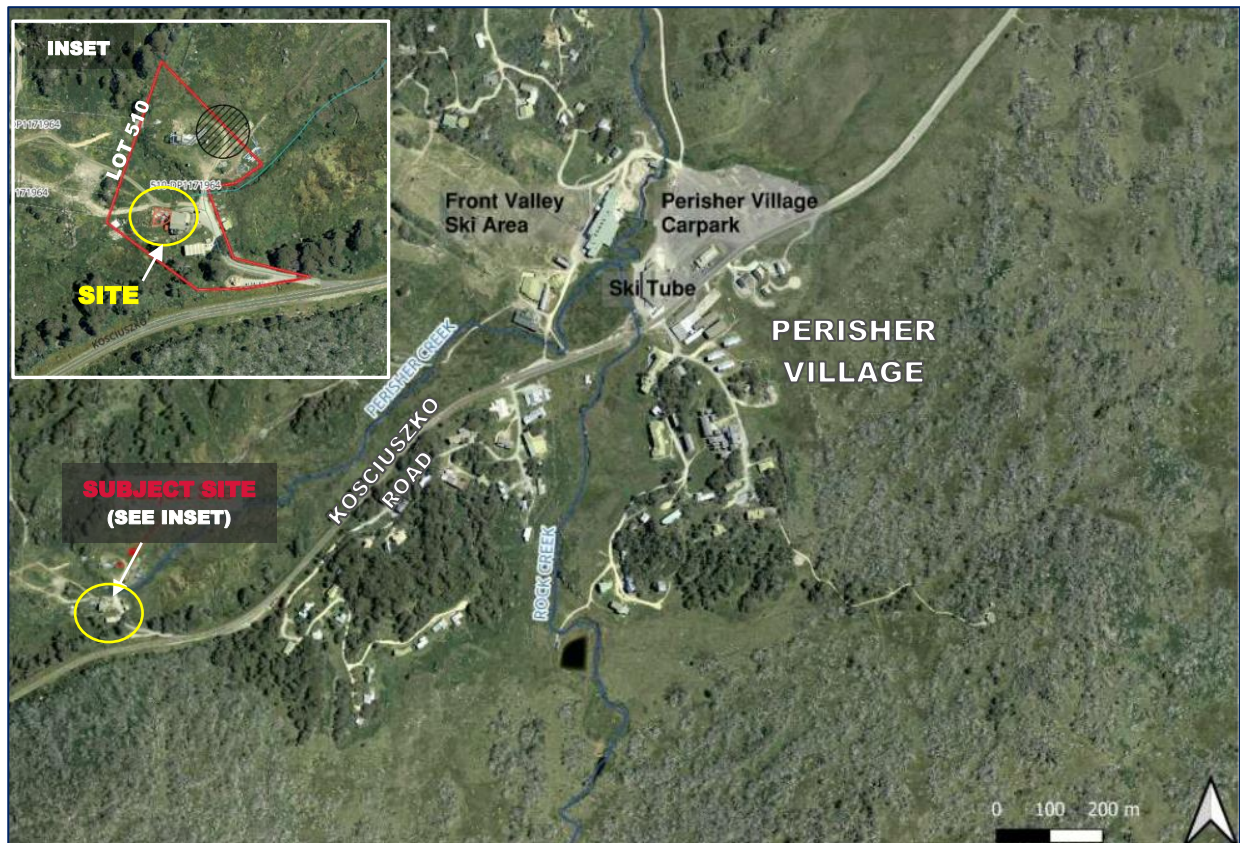


Figure 1 | Location of the site in the context of Perisher Village and the Mount Perisher Six Seat Chairlift
(Source: Applicant's documentation, with annotations)

The Powder Inn building previously operated as part the bottom station of the former Mt Perisher Double Chairlift, and includes staff facilities, a workshop, public toilets and a restaurant. The existing timber deck on the western side of the building was part of the queue area for the former chairlift prior to it being decommissioned in 2023. A new six-seater chairlift is located approximately seventy (70) metres to the north-east of the proposed kiosk site. Perisher Creek flows under the southwestern corner of the deck through a culvert before exiting under the northern side of the deck.

The Applicant seeks approval to install the kiosk (which will be known as Powder Out) on the north-western corner of the deck, approximately four (4) meters from where the creek flows under the deck. The kiosk servery window will be accessed via a separate platform with steps at each end, and the kiosk kitchen area will be accessed by staff only via set of steps. It is also proposed to use the deck, which has an area of approximately 220 square metres, for outdoor dining. The overhead bull wheel from the former lift will remain in situ on the northern area of the deck, and ten (10) outdoor tables with seating for approximately sixty (60) people are proposed to be installed on the surrounding deck area, generally to be located as indicated in **Figure 2**.

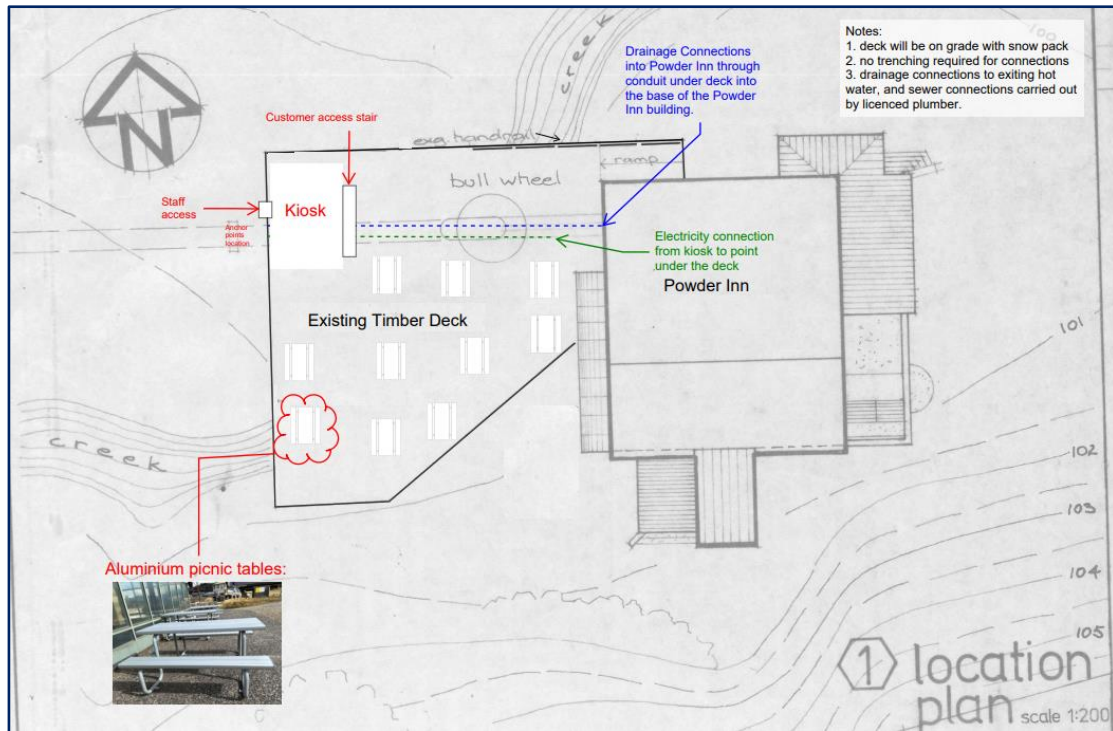


Figure 2 | Location Plan identifying the location of the kiosk site and style of tables proposed on the deck
(Source: Applicant's documentation)

The Applicant advises that the outdoor furniture will be moveable and arranged on the deck as determined by the Perisher Hospitality staff who will be managing the area in conjunction with either the Powder Out kiosk and/or the existing Powder Inn cafe restaurant. The aluminium picnic tables are single table units with attached bench seating, as shown in the example in **Figure 2** above. Additional rubbish receptables will also be provided on the deck, and waste management will be handled in association with the adjoining food and drink premises. Cleaning of the tables and waste removal will be carried out by the Perisher Hospitality Staff as required.

Snow on the deck will be manually cleared each day (or as required) in the same manner as in other outdoor seating areas of Perisher Resort. A rope line will be erected at the northern and western end of the deck to stop guests from skiing directly onto the deck. The existing restaurant and guest amenities in the adjacent Powder Inn building will continue to operate during winter ski seasons, and while the kiosk will typically be run in conjunction with the Powder Inn, only one may operate at any given time.

The kiosk to be installed at the site is a pre-constructed, metal clad, modular unit with a low-pitched roof. Dimensions of the kiosk are 5200mm wide by 3500mm deep, with a height of 2350mm to the centre of the roof apex. The kiosk is mounted on wheels and 400mm high snow skids, enabling the unit to be manoeuvred over snow if drawn by an over-snow vehicle via the removable draw bar shown in **Figure 3**. The tow bar and mesh chair storage bay depicted in **Figure 3** are not proposed to be attached as part of the development, and the 4.5 to 5 tonne kiosk will be required to be lifted up onto or off the deck with the aid of a crane.

The interior of the kiosk is divided into three rooms. The main area of the kiosk (4200mm by 3500mm) contains the kitchen (including fridge, sinks, cabinetry, store areas) around a central circulation space that is accessed by staff via a door on the southern end of the western wall of the structure. There is a service counter with a servery window on the eastern side of this room. A second door on the western wall at the northern end provides access to a small bathroom (1000mm by 1250mm) which contains a port-a-loo toilet

and handbasin. Adjoining the servery window on the eastern wall is a door to a storage room (2200mm x 1000mm), housing a potable water tank and a waste tank (**Figure 3** and **Figure 4**).

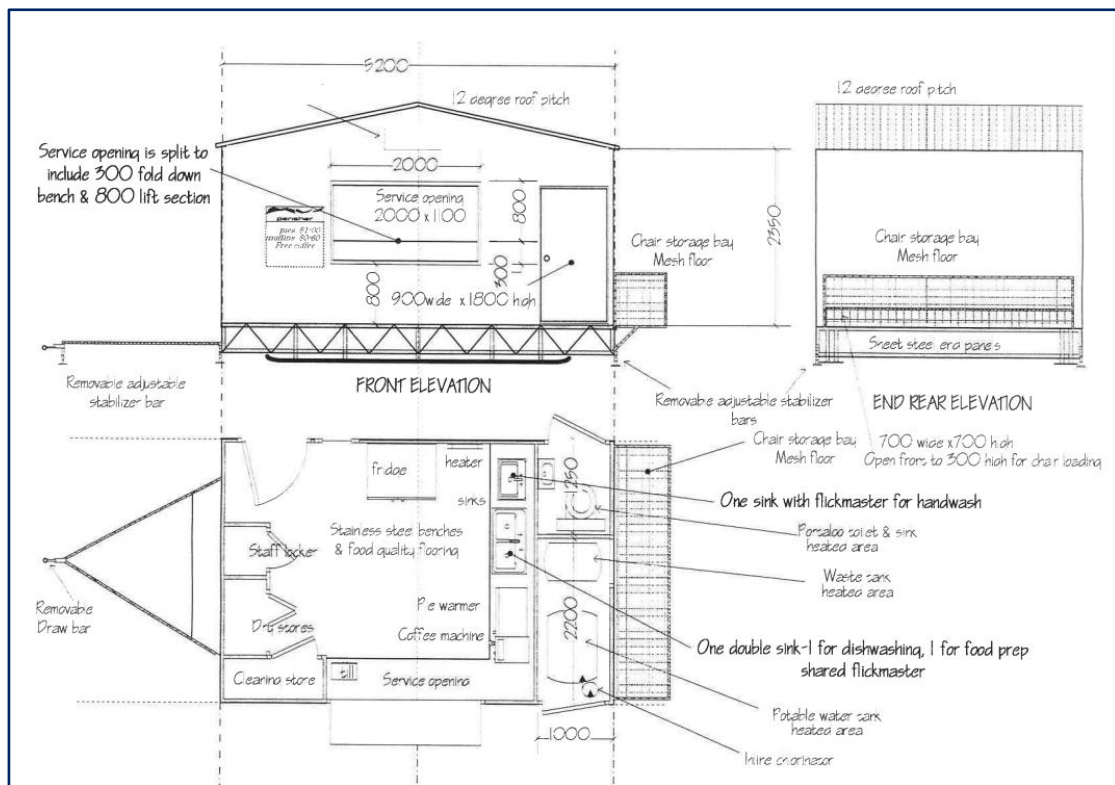


Figure 3 | Kiosk plan and eastern (front) and northern (end) elevations (Source: Applicant's documentation)

The exterior walls of the kiosk are proposed to be in a grey colour C-clad-panel and timber-style panelling at the base. The structure will have a custom orb grey roof and an orange-coloured trim in the colour referred to as 'Hot Ginger' to match the trim colour approved on the Powder Inn fascia board. The exterior servery window on the eastern side of the kiosk is accessed via a low steel and timber platform with steps at either end. Staff access is via steps to a door on the western (rear) side (**Figure 4**).

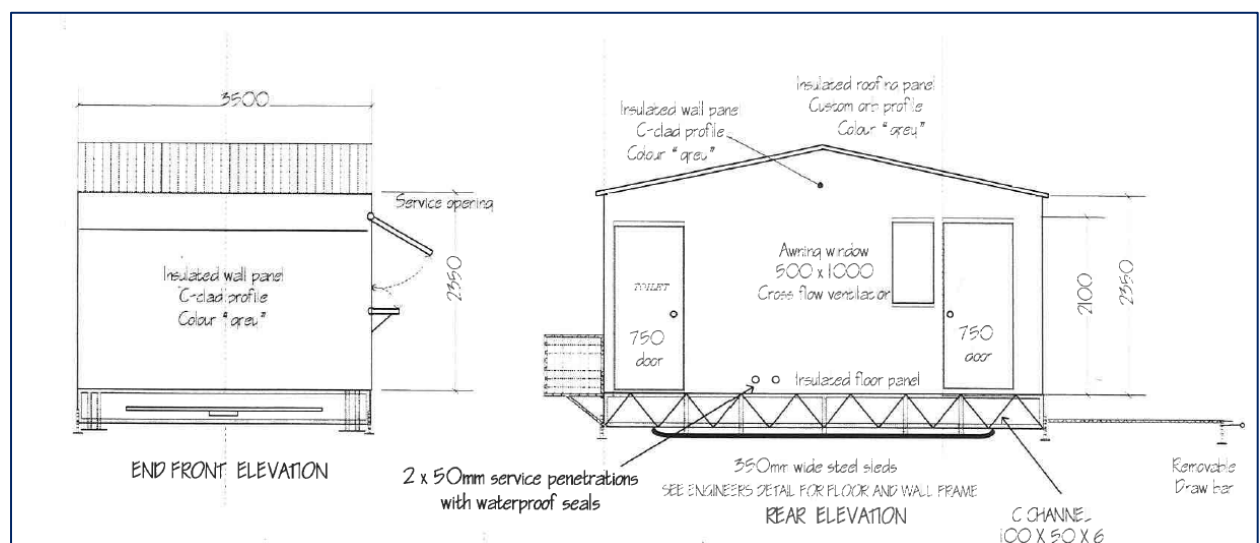


Figure 4 | Kiosk western (rear) and northern (end front) elevations (Source: Applicant's documentation)

Kosciuszko Road and signage indicating it is not for public access. During winter, the site is only accessible by over-snow transport due to the closure of the Kosciuszko Road at Perisher Village. To prepare for the installation and operation of the kiosk, the Applicant advises that the unit will be towed to the location prior to the season commencing via public roads to the access road for the electrical, communication and plumbing connections to be undertaken once development consent is received. The Applicant also advises that over-snow transport will be used to restock and staff the van and manage the outdoor seating area.

Use of the deck for the kiosk and outdoor dining is sought to enhance the Perisher Resort experience for guests. The Applicant aims to support the existing Powder Inn building by clustering similar uses, while also supporting the operating requirements of the kiosk and benefitting guests due to the proximity of the existing Powder Inn facilities.

The development will not require excavation, earthworks or vegetation removal, and only minor building works are proposed relating to penetrations through the deck and into the building to connect the kiosk to the Powder Inn services.

The estimated cost of the development is \$5,000. 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 extending the range of food and drink outlets will enhance facilities for the benefit of Perisher guests for the three winter seasons proposed. Providing facilities such as the outdoor dining area that contribute to the positive experience of resort patrons in the snow sports community help support 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 addition of the kiosk and outdoor dining area supports the operation of the existing Powder Inn guest facilities by providing an alternative dining option at the locality. This development will offer variety to resort visitors without causing significant impacts on the environmental, cultural and landscape attributes of Perisher Range.

Precincts - Regional SEPP

The proposal is congruous with the aims and objectives of Chapter 4 of the Precincts - Regional SEPP as the addition of a kiosk and outdoor furniture in the proposed location supports sustainable tourism in the Alpine Region. The development will be carried out in a manner that is consistent with the principles of ecologically sustainable development, where the intended works and activity will be subject to conditions to prevent 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 the operation of the kiosk and management of the adjacent 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.

Alpine Region Development Control Plan 2025

The DCP supports the statutory planning framework of the Alpine Region by outlining objectives and controls to guide development to achieve the aims and objectives of Chapter 4 of the Precincts-Regional SEPP. The DCP seeks to encourage high quality development to support safe and sustainable tourism and ensure opportunities are provided for visitors to undertake a wide range of recreational activities in KNP, while also managing visitation to minimise adverse environmental, social and cultural impacts.

The proposed development will be undertaken in a location where there is an existing deck structure and does not involve earthworks or disturbance to vegetation. Co-location of the kiosk with the existing Powder Inn building provides an addition visitor services at this location during the Winter ski season where the kiosk will be run in conjunction with the current restaurant at the site. Operation of the kiosk and outdoor dining area will need to comply with management protocols to ensure that the outdoor service can be enjoyed by patrons while preventing dispersal of unattended rubbish by wind or scavengers. Subject to controls, the development can be installed and operated in a way that is consistent with the planning, design, safety and environmental objectives and controls in the DCP.

2.2 Permissibility

The proposal seeks the installation and use of a temporary kiosk and outdoor furniture, where the outdoor dining area is provided primarily (although not exclusively) for the benefit of guests purchasing consumables from the kiosk or existing restaurant as patrons of the chairlift infrastructure operating nearby.

The kiosk is a *commercial premises*, as defined in Schedule 4A of Chapter 4 of *State Environmental Planning Policy (Precincts – Regional) 2021* (the Precincts - Regional SEPP), where it will operate primarily to serve the daily needs of visitors to the Alpine Region, consistent with the definition. The outdoor picnic tables and waste bins will be managed by the Perisher Hospitality Staff, so the outdoor dining area is considered to be ancillary to the Powder Inn (existing café restaurant) and Powder Out (proposed kiosk).

Pursuant to section 4.7 of the Precincts - Regional SEPP, a commercial premises (kiosk) and ancillary outdoor dining area 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 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 a temporary kiosk and an outdoor dining area as an additional guest area to rest or more easily consume food and drink items, as may be purchased from the kiosk. The establishment of the kiosk and outdoor furniture near the lifting infrastructure supports the ongoing use of

	<p>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.</p>
<p>(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,</p>	<p>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, including waste management during operation, have been included in the conditions of consent.</p>
<p>(c) to promote the orderly and economic use and development of land,</p>	<p>The development seeks approval for the provision of a kiosk for three years and for ongoing provision of an outdoor dining area to enhance visitor experience in the snowfield. 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.</p>
<p>(d) to promote the delivery and maintenance of affordable housing,</p>	<p>Not applicable to this proposal.</p>
<p>(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,</p>	<p>There is no excavation associated with the installation of the kiosk and outdoor dining area, and only minor construction relating to the connection of services to the kiosk, so impacts upon the environment are limited. No disturbance of the sensitive adjacent area identified on the Biodiversity Values Map is proposed, and no impact on a threatened species is anticipated.</p>
<p>(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),</p>	<p>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).</p>
<p>(g) to promote good design and amenity of the built environment,</p>	<p>The Department considers that the proposed development will be compatible with the existing built form in the location. The addition of the kiosk and outdoor dining area on the deck area adjoining</p>

	Powder Inn is considered appropriate within the setting and is proposed in a predominantly grey colour with timber accents and orange trim to tie in with the adjacent Powder Inn building.
(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 generated 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.	Exhibition of the proposal was not required 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)	<p>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.</p> <p>The Department is satisfied that the Application is consistent with the requirements of Chapter 4 of the Precincts - Regional SEPP.</p>
(a)(ii) any proposed instrument	Not applicable to the proposal.
(a)(iii) any development control plan	The Alpine Region DCP 2025 has been addressed by the Applicant in their application and has been considered throughout this report. The proposal is generally congruent with the aims and objectives of the DCP, and compatible with the controls for on-mountain development in Perisher Alpine Resort. The application is seeking to undertake development that supports sustainable tourism and recreation through the redevelopment of an existing site (on a former chairlift deck), which minimises site disturbance. Impacts from

	the development will be managed to protect the environment.
(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, including content and amendment in accordance with Part 3, considerations in accordance with Part 4, and fees paid pursuant to Part 13.</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 the kiosk will be supplementary to an existing food and drink outlet at the site. Outdoor dining adjacent to the kiosk 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.	<p>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.</p> <p>Temporary impacts to the environment can be appropriately managed, mitigated and contained. The</p>

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>No ground or vegetation disturbance will occur as a result of the development. The kiosk and picnic tables will be placed on an existing deck and in operation only during the ski seasons of 2025, 2026, 2027.</p> <p>Having regard to the site being a previously disturbed area, and noting the minor nature of the installation of the kiosk and outdoor furniture, no further Aboriginal cultural due diligence investigation is considered necessary. The proposal is considered unlikely to impact on any European or Aboriginal heritage.</p>
Section 4.24 Flood planning	
Development on land in the flood planning area	While it is noted that the development site is located in a low-lying area of the Perisher Valley, and Perisher Creek runs under the deck on which the kiosk and outdoor dining area will be located, the application states that the site is not subject to flooding. The site is not identified as being located a flood planning area in

the DCP, and it is noted that the kiosk and outdoor dining area are only intended to operate in Winter when the risk of flooding is likely to be low.

Section 4.25 Earthworks

Impact of earthworks

Earthworks are not required for the installation of the kiosk or outdoor dining area. Activities associated with the development will be undertaken on-snow, including the movement of the seating to facilitate snow clearing for access to the deck 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 the kiosk and outdoor dining area is expected to improve tourist amenity during their participation in winter snow sports in the locality. The proposal is considered appropriate as it enhances the facilities for resort patrons.

(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 *Geotechnical Policy - Kosciuszko Alpine Resorts* published by the Department in November 2003,

No earthworks are proposed in relation to the application. 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 a temporary kiosk and ancillary outdoor dining area as an addition to visitor facilities during winter. 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 kiosk and outdoor furniture is located within a previously disturbed area on the deck adjoining a former 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 Applicant confirms the site is not subject to flooding, and that the development will not cause a geotechnical hazard. No measures to protect the installation 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 presentation of the kiosk has been considered suitable provided the colourful mural that was present on the structure prior to its relocation to the site is removed and replaced with the dark grey colour scheme proposed. Accordingly, the visual impact of the development is considered to be negligible in the setting where it is not expected to have an adverse visual impact on KNP.

- (d) the cumulative impacts of development and resource use on the environment of the Alpine Subregion in which the development is carried out,

The application proposes to establish a kiosk for a three-year duration and a contained area of outdoor picnic tables for ongoing winter use. No significant adverse cumulative impacts are anticipated from the development. The proposal is regarded to have a

positive localised impact by providing an area in which visitors can obtain refreshments and 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 kiosk and ten (10) 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.

Waste generated by the installation of a kiosk and outdoor dining in the subject location will be managed by Perisher Hospitality Staff who will operate the kiosk and Powder Inn restaurant. Visitors who utilise the picnic tables to consume food and beverages they have either brought themselves or have purchased from the food and drink outlets will have access to rubbish bins to dispose of waste. The Applicant advises that no cooking will be undertaken in the kiosk, and therefore waste from the kiosk need not pass through the waste interceptor (grease trap) prior to being discharged to sewer. Waste generated by the development is proposed to be managed in conjunction with that generated by the adjoining Powder Inn building, in relation to which the capacity of the network and receiving waste management facilities are considered to be adequate to deal with the additional input from this location.

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 a food and beverage kiosk outlet for three winter snow seasons and outdoor dining furniture at the subject site supports winter snow activities in the locality. The proposed development is considered to be complementary to the adjoining Powder Inn restaurant adjacent to the subject site. Establishment of an additional outdoor dining option 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, subject to conditions.

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. A Test of Significance was provided with the application that concluded the proposed development is unlikely to result in a significant impact on any Commonwealth or State listed communities, threatened flora and fauna, or migratory species identified in the desktop and site assessment. No adverse impacts from the development on biodiversity values within KNP is considered likely due to the minor and contained nature of the development.

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 from 29 April 2025 until 5 May 2025 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 and temporary nature of the development, NPWS raised no objections to the proposal provided standard environmental protection conditions were applied, and management process were included in a formal Site Environmental Management Plan, and also requiring the application of food safety conditions. Accordingly, the Department will require environmental management processes, specifically including waste management relating to the outdoor dining area to ensure it is appropriately managed to prevent scavenging from native fauna or wind-blown dispersion, and that waste receptacles are regularly emptied.

The kiosk is conditioned to comply with the provisions of the *Food Act 2003*, the Food Standards Code and relevant Australian Standards. NPWS also relayed the requirement for the Applicant to obtain consent from NPWS in relation to the colour scheme of the development, which is a requirement under the lease. This has been included as advisory information accompanying the recommended conditions.

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, public safety, and structural-adequacy related matters, as considered below.

4.1 Environmental impacts

As discussed in **Section 2**, no earthworks or disturbance of native vegetation is proposed. The kiosk and outdoor furniture items are intended to be operated only when there is sufficient snow in winter, where the kiosk is a temporary installation for the three (3) consecutive winter snow-sports seasons of 2025 to 2027. Site management will also be required for both the installation of structures and decommissioning of the kiosk at the end of the approval period 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.

While the development site is in the sensitive environment of the Perisher Creek corridor, given the scale and nature of the development and conditioning to contain and manage works and any 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 reviewed the proposal, as amended, and have requested conditioning relating to the movement of vehicles involved in the installation (and removal) of the structure, and the management of waste (refer to Section 4.2 below). Conditions have been applied to manage these aspects of the development.

4.2 Waste management at the site

The kiosk and outdoor dining area will be used in conjunction with the guest amenities and restaurant in the adjoining Powder Inn building. 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. Use of the outdoor dining in conjunction with the kiosk and/or Powder Inn café restaurant will ensure that an on-site operator from the Perisher Hospitality Staff has overview of rubbish that may be left on the tables and management of the bin receptacles servicing the outdoor area.

Plumbing suspended under the deck from the kiosk to Powder Inn will provide potable water to the kiosk and sewer connection for the removal of waste water. While noting that the waste will discharge directly to sewer without passing through a grease trap waste interceptor (such as that servicing the Powder Inn café restaurant), this arrangement is considered acceptable as the Applicant has advised that no cooking will occur in the kiosk, and this will be confirmed as a requirement via a condition of consent.

Conditions will be applied for the use of the site to 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 placement of the kiosk, service platform, steps, picnic tables and bins in the subject location is unlikely to cause an obstacle to usual visitor circulation and movements in the Powder Inn area. The Department will require the outdoor furniture and bin receptacles are sufficiently secured or stowed to ensure stability at all times to ensure the safety of the public.

No additional public restroom facilities such as toilets or handwashing facilities will accompany the provision of the kiosk and outdoor dining area. Patrons can access the current facilities available at the adjacent Powder Inn building.

The assessment relating to visual amenity has closely considered the impact of the development when viewed from the public domain, including the proposed colour palette. The Department sought removal of any expansive use of the vibrant orange colour 'hot ginger' on the roof of the kiosk and of a full-wall mural that was considered to be non-exempt advertising signage proposed on the western (ski-slope facing) wall of the kiosk.

The Applicant has confirmed the colour scheme of the kiosk will now be the same grey as on the Powder Inn building with a timber wainscot panelling around the base. Small trim areas of the kiosk and the 'Powder Out' building identification signage are indicated to be in 'hot ginger' to tie the colour scheme of the kiosk in with the colours approved by the NPWS for use on the adjacent Powder Inn building.

The resultant colour scheme is considered acceptable.

4.4 Structural adequacy

The Department has worked with the Applicant in relation to initially accepting an amended application to relocate the kiosk from the position originally proposed (closer to the Powder Inn building) given fire separation requirements. The Applicant also later requested a fixed term approval for the kiosk following conjecture from their certifier as to whether a construction certificate would be appropriate for the kiosk structure. The Department is happy to support the installation of the kiosk on a temporary basis, provided that a structural engineer certifies the structural integrity of each component of the development as fit for purpose for the duration intended. The Department has already received the requisite structural engineer's certification for the deck area to support the weight of the kiosk, and the certification for the remaining items (kiosk, service platform and steps) are subject to conditions of consent.

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, a Team Leader, 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 Team Leader Assessments, 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 25/5820, subject to the recommended conditions
- **signs** the attached Development Consent (**Appendix A**).

Recommended by:



Sandra Butler
Senior Planning Officer
Alpine Resorts Team

Adopted by:



15/7/2025

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

Appendices

Appendix A – Recommended Instrument of Consent