



Planning &  
Environment

***DEVELOPMENT APPLICATION  
ASSESSMENT REPORT:***

**Self-contained Coffee Cart within BBQ area,  
Selwyn Snowfields, Kosciuszko National Park**

**DA 6897**



Assessment under Part 4 of the  
*Environmental Planning and Assessment Act 1979*

March 2015

## ABBREVIATIONS

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Alpine SEPP	State Environmental Planning Policy (Kosciuszko National Park – Alpine Resorts) 2007
Applicant	Mount Selwyn Snowfields Pty Ltd
Consent	This development consent
Department	Department of Planning and Environment
EP&A Act	Environmental Planning and Assessment Act 1979
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
EPI	Environmental Planning Instrument
Minister	Minister for Planning
Secretary	Secretary of the Department of Planning and Environment
SEE	Statement of Environmental Effects
SEPP	State Environmental Planning Policy

Cover Image: Mount Selwyn BBQ Shelter (Source: Applicant's supporting photos)

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Published March 2015  
Department of Planning and Environment  
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## 1. BACKGROUND

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### 1.1 Introduction

This report provides an assessment of a Development Application (DA 6897) lodged by Mount Selwyn Snowfields Pty Ltd on 9 January 2015 under Part 4 of the *Environmental Planning and Assessment Act, 1979* (EP&A Act) that seeks consent for a self-contained coffee cart in the BBQ shelter at Mount Selwyn Snowfields, within the Kosciuszko National Park.

### 1.2 The site and surrounding development

The subject site is located within the Mount Selwyn Ski Resort. The Mount Selwyn Snowfields is located in the northern section of the Kosciuszko National Park. In winter it provides a family friendly ski resort for day trips as no accommodation is available. The site of the proposed coffee cart is within an existing BBQ shelter adjacent to the toboggan slope.



**Figure 1:** Location of the proposed coffee cart in the BBQ shelter (Source: site inspection photo)

## 2. PROPOSED DEVELOPMENT

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The development application seeks approval to permanently locate a self-contained coffee cart within the existing BBQ shelter. The coffee cart includes:

- two stainless steel sinks with flick mixer taps and pressurised hot and cold water supply;
- 68 litre fridge;
- electric hot water system;
- coffee grinder and coffee machine;
- 50 litre waste water and potable water tanks; and
- LED overhead lighting.

The approximate cost of the cart is \$20,000.



**Figure 2:** Proposed Coffee Cart (Source: Mobile Catering Coffee Cart Brochure)

### 3. STATUTORY CONTEXT

#### 3.1. Consent Authority

The Minister for Planning is the consent authority for the application under clause 7 of *State Environmental Planning Policy (Kosciuszko National Park – Alpine Resorts) 2007* (the Alpine SEPP) as the development takes place within a ski resort area as referred to in Clause 32C (2)(a) of Schedule 6 to the *Environmental Planning and Assessment Act 1979* (EP&A Act).

#### 3.2. Determination under Delegation

The Minister for Planning has delegated responsibility for the determination of development under Part 4 of the EP&A Act to the Team Leader, Alpine Resorts Team where:

- the application is in relation to land which the Alpine SEPP applies; and
- there are less than 25 public submissions in the nature of objections.

The proposal complies with the terms of delegation as the application relates to land which the Alpine SEPP applies and no public submissions were received in the nature of objections.

Accordingly, the Team Leader, Alpine Resorts Team may determine the application in accordance with the Minister's delegation.

### 3.3. Permissibility

Pursuant to clause 11 of the Alpine SEPP and the Mount Selwyn Alpine Resort land use table, 'food outlets' are permissible with consent.

### 3.4. Environmental Planning Instruments

The Alpine SEPP is the only environmental planning instrument (EPI) which applies to the site for this type of development. An assessment against the requirements of the Alpine SEPP is provided in **Appendix B**. In summary, the Department is satisfied that the application is consistent with the requirements of the Alpine SEPP.

### 3.5. Objects of the EP&A Act

Decisions made under the EP&A Act must have regard to the objects of the Act, as set out in Section 5 of the Act and read as follows:

- (a) *to encourage:*
- (i) *the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,*
  - (ii) *the promotion and co-ordination of the orderly and economic use and development of land,*
  - (iii) *the protection, provision and co-ordination of communication and utility services,*
  - (iv) *the provision of land for public purposes,*
  - (v) *the provision and co-ordination of community services and facilities, and*
  - (vi) *the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats, and*
  - (vii) *ecologically sustainable development, and*
  - (viii) *the provision and maintenance of affordable housing, and*
- (b) *to promote the sharing of the responsibility for environmental planning between the different levels of government in the State, and*
- (c) *to provide increased opportunity for public involvement and participation in environmental planning and assessment.*

The proposal is consistent with the above objects, particularly (a)(ii), (vi) and (vii) as the proposal promotes the orderly and economic use of the site, satisfactorily addresses the environmental significance of the site and includes measures to deliver an ecologically sustainable development. Further discussion on compliance with the above is provided in **Appendix B**.

### 3.6. Ecologically Sustainable Development

The EP&A Act adopts the definition of Ecologically Sustainable Development (ESD) found in the *Protection of the Environment Administration Act 1991*. Section 6(2) of that Act states that ESD requires the effective integration of economic and environmental considerations in decision-making processes and that ESD can be achieved through the implementation of:

- (a) *the precautionary principle;*
- (b) *inter-generational equity;*
- (c) *conservation of biological diversity and ecological integrity; and*
- (d) *improved valuation, pricing and incentive mechanisms.*

The development has considered the proposed development in relation to the ESD principles and has made the following conclusions:

**Precautionary Principle** – The proposal does not pose a threat of serious or irreversible environmental damage. Due to the works being minor in nature, the proposal does not have an impact on any threatened species, populations, ecological communities or their habitats.

**Inter-Generational Equity** – The proposal will not adversely impact upon the health, diversity or productivity of the environment for future generations.

**Biodiversity Principle** – The proposal would not result in a loss of biodiversity as there would be no disturbance to any native vegetation. All works are within the existing BBQ shelter.

**Valuation Principle** – Due to the minor nature of the works, there is minimal environmental impact as a result of the proposal.

### 3.7. Environmental Planning and Assessment Regulation 2000

Subject to any other references to compliance with the EP&A Regulation cited in this report, the requirements for Notification (Part 6, Division 7) and Fees (Part 15, Division 1) have been complied with.

## 4. CONSULTATION AND SUBMISSIONS

After accepting the application, the Department placed the application on its website. Due to the minor nature of the works, the Department did not exhibit or notify the application. No public submissions were received during the assessment of the application.

The proposal was referred to the Office of Environment and Heritage (OEH) pursuant to clause 17 of the Alpine SEPP. The OEH raised no objections to the proposal, however recommended consideration of the proposal having regard to the *Food Act 2003*.

## 5. ASSESSMENT

### 5.1. Section 79C Evaluation

**Table 1** identifies the matters for consideration under section 79C of the EP&A Act that apply to the development. The table also represents a summary for which additional information and consideration is provided for in **Section 5.2** (Key and Other Issues), the appendix or other sections of this report, referenced in the table.

**Table 1: Section 79C(1) Matters for Consideration**

Section 79C(1) Evaluation	Consideration
(a)(i) any environmental planning instrument	Satisfactorily complies - see <b>Section 3.5</b> and <b>Appendix B</b> of this report.
(a)(ii) any proposed instrument	Not applicable.
(a)(iii) any development control plan	Not applicable.
(a)(iiia) any planning agreement	Not applicable.
(a)(iv) the regulations	Complies - see <b>Section 3.8</b> of this report. The application satisfactorily meets the relevant requirements of the EP&A Regulation.

(a)(v) any coastal zone management plan	Not applicable.
(b) the likely impacts of that development	Impacts of the development have been considered in <b>Section 5.2</b> and additional detail is provided in <b>Appendix B</b> of this report.
(c) the suitability of the site for the development	The suitability of the site has been considered in <b>Section 5.3</b> of this report.
(d) any submissions	Consideration has been given to submissions received during the exhibition of the application in <b>Section 4</b> . Key issues raised in submissions have been considered further in <b>Section 5.2</b> of this report.
(e) the public interest	The public interest of the development has been considered in <b>Section 5.4</b> of this report.
Biodiversity values impact assessment not required if: (a) On biodiversity certified land (b) Biobanking Statement exists	Not applicable.

## 5.2. Key and Other Issues

The Department has considered the objectives of section 79C of the EP&A Act, the SEE and issues raised in submissions in its assessment of the proposal. The Department considers that the key issues associated with the proposal to be:

### 5.2.1. Compliance with the Food Act 2003

Given the nature of the facility being for a coffee-cart selling food and drink, the proposal is required to comply with the Food Act 2003 and the Australian Safety Food Standards. Comments received from the OEH advised that given the scale of the operation and the operational procedures proposed by the applicant, the proposal will achieve compliance with the Food Act 2003. Based on the plans and documents that were submitted, and comments from OEH, the Department is satisfied that compliance with the Food Act and relevant standards can be achieved. Conditions have been recommended to ensure that the coffee cart is operated in an appropriate manner without any risk to public health.

### 5.2.2. Management of Potable and Waste Water

The proposal includes two 50 litre water tanks, one for waste water and the other for potable water. The 50 litre waste water tank will be emptied in the café 180 metres away. If it requires emptying during operating hours it will be sealed and carried by two people to the café, otherwise it will be transported after hours by oversnow vehicle. The waste water tank does not need to be carried through any buildings as access is available at the rear of the building which is directly to the café kitchen. The potable water tank will be filled from the café kitchen sink, sealed and transported by two staff members.

Given the scale of the operation proposed, the small quantities of wastewater involved and the simple control mechanisms, the Department is satisfied that the procedures proposed by the applicant adequately address food safety and environmental risks.

## 5.3. Suitability of the Site

The cart will provide barista made coffee, for which there is an apparent demand, and light snacks within the existing BBQ shelter. The cart will be operated during the snow season only from 9:00am to 5:00pm seven days per week.

The proposal will not increase the footprint of the building or impact any adjoining property or vegetation. Operation of the cart can be appropriately managed to avoid any adverse environmental impacts. The site has been occupied by the BBQ shelter for approximately three years.

The proposed coffee cart is suitable for the site.

#### 5.4. Public Interest

The proposed development is considered to be consistent with the aim and objectives of the Alpine SEPP and the public interest would not be compromised by the proposal. There would also not be an adverse impact on the environment and the proposal is consistent with the principles of ESD.

## 6. CONCLUSION AND RECOMMENDATION

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### 6.1. Conclusion

The Department has assessed the merits of the proposal taking into consideration the issues raised in all submissions and is satisfied that the impacts have been satisfactorily addressed within the proposal and the recommended conditions.

In relation to the proposal, the Department considers that:

- the proposed works will not have an impact on threatened species, populations and ecological communities;
- the proposal is capable of complying with the Food Act 2003 and relevant Australian Standards; and
- the proposal is appropriate and does not impact upon any adjoining properties.

Overall, the Department is satisfied that the Development Application has been appropriately designed and recommends that the application be approved subject to the imposition of conditions.

### 6.2. Recommendation

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

- a) **consider** all relevant matters prescribed in section 79C of the EP&A Act, including the findings and recommendations of this report; and
- b) **approve** the Development Application (DA 6897), under section 80(1)(a) of the EP&A Act, having considered matters in accordance with (a) above, and **sign** the Notice of Determination at **Appendix C**.

Prepared by:



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18/3/2015



## **APPENDIX A. RELEVANT SUPPORTING INFORMATION / SUBMISSIONS**

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The following supporting documents and information to this assessment report can be found on the Department's website at:

[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=6897](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=6897)

## APPENDIX B. CONSIDERATION OF RELEVANT LEGISLATION

### ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

To satisfy the requirements of section 79C(a)(i) of the EP&A Act, this report includes references to the provisions of the environmental planning instruments that govern the carrying out of the project and have been taken into consideration in the environmental assessment of the project.

#### Section 79C (1) of the EP&A Act

In determining a DA, a consent authority must take into consideration the matters referred to in section 79C(1) of the EP&A Act as are relevant to the development. **Section 5.1** of this report details consideration of the matters in section 79C(1), however a detailed consideration of the likely impacts of the development is provided below:

#### S 79C(1)(b) the likely impacts of that development

Context and setting – The proposed works are minor in nature and will be consistent with the context and setting of the locality.

Access, transport and traffic – The proposal will not increase traffic to the site or impact upon access, transport or traffic management within the resort.

Public domain – The proposal will not impact upon the public domain.

Utilities and energy – Energy and utility requirements will not be altered by the proposal. The coffee cart is powered by a standard power outlet located in the BBQ shelter.

Heritage – The proposal will not impact upon any European or Aboriginal archaeological heritage items.

Other land resources – The proposed works do not impact on other land resources.

Water – There will be no impact on water resources as demand or impact on water is only incurred by the filling of the potable water tank. The cart is self-contained with a potable water supply of 50 litres which will be filled from within the café.

Soils – The proposed works will not impact on soils.

Noise and vibration – The coffee machine makes noise when it is operating however this is negligible and will not have any environmental impact.

Air and microclimate – The proposal will not impact upon microclimate or air quality.

Flora and fauna – The proposal will not impact upon flora or fauna.

Waste – The proposal does not increase the need for waste disposal on site. The 50 litre waste water tank will be fully sealed and transported after hours by two people and disposed of in the café sink.

Natural hazards – The site is bushfire prone land however the coffee cart does not require referral to the NSW RFS as it is not a Special Fire Protection Purpose under Section 100B of the *Rural Fires Act*. There are no other known natural hazards that affect the proposal.

Technological hazards – The proposal is to comply with the Food Acts 2003. No concerns are raised in relation to the proposal.

Safety, security and crime prevention – The proposed works will have no impact on safety, security and crime prevention.

Social impact – There will be minimal social impacts.

Economic impact – The proposal is minor in scale and has no negative impact.

Site design and internal design – The proposed siting of the cart is appropriate and will provide additional facilities to the users of the BBQ shelter and adjoining ski fields.

Construction – The proposal involves no construction as the cart is complete and only needs to be wheeled into place.

Cumulative impacts – No cumulative impacts are envisaged as a result of this proposal.

## STATE ENVIRONMENTAL PLANNING POLICY (KOSCIUSZKO NATIONAL PARK – ALPINE RESORTS) 2007

<b>CI 2 – Aim and objectives:</b>	
The proposal is considered to be consistent with the aim and objectives of the Alpine SEPP in that it is consistent with the principles of ESD and consists of the use of a self-contained coffee cart in an existing BBQ shelter.	
<b>CI 11 – Land Use Table</b>	
The proposal is for a self-contained coffee cart to an existing BBQ shelter. Pursuant to clause 11 of the Alpine SEPP and the Mount Selwyn Land Use Table, 'food outlets' are permissible with consent.	
<b>CI 14(1) – Matters to be considered by consent authority</b>	
(a) the aim and objectives of this policy, as set out in clause 2	See discussion above.
(b) the conservation of the natural environment and any measures to mitigate environmental hazards (including geotechnical hazards, bush fires and flooding),	Due to the works being minor in nature and within an existing BBQ shelter which has a concrete floor, no impact is expected on the natural environment.
(c) the cumulative impacts of development on existing transport, effluent management systems, waste disposal facilities or transfer facilities, and existing water supply	The proposal does not modify the capacity or use of the existing BBQ shelter. The subject site contains the necessary infrastructure and services to support the development as proposed.
(d) any statement of environmental effects,	The SEE and supporting information supplied are considered adequate to enable a proper assessment of the proposal.
(e) the character of the alpine resort,	The proposal will not alter the character of the resort, due to works being minor only.
(f) the Geotechnical Policy –	Not applicable for this type of development. The proposal

Kosciuszko Alpine Resorts,	is exempt under the policy.
(g) any sedimentation and erosion control measures,	No adverse impacts are expected.
(h) any stormwater drainage works proposed,	The existing storm water drainage system will not be impacted by the proposal.
(i) any visual impact of the proposed development, particularly when viewed from the Main Range,	The proposal will not result in an unacceptable visual impact. The proposal is for minor works only.
(j) any significant increase in activities, outside of the ski season,	The proposal will not result in a significant increase in activities outside the ski season.
(k) if the development involves the installation of ski lifting facilities	The proposal does not involve the installation of any new ski lifting facilities.
(l) if the development is proposed to be carried out in Perisher Range Alpine Resort: the document entitled Perisher Range Resorts Master Plan and the document entitled Perisher Blue Ski Slope Master Plan	Not applicable in Mount Selwyn.
(m) if the development is proposed to be carried out on land in a riparian corridor:	The works are not within 40 metres of any riparian land.
<b>CI 15 – Additional matters to be considered for buildings</b>	
Building Height	Not applicable, no change in building height.
Building Setback	Not applicable, no change in building setbacks.
Landscaped Area	Not applicable, no changes landscaped area.
<b>CI 17 – applications referred to the Office of Environment and Heritage (OEH)</b>	
The proposal was referred to the OEH pursuant to clause 17 of the Alpine SEPP. No objections to the proposal were raised from OEH.	
<b>CI 26 – Heritage conservation</b>	
European heritage	The proposal will not impact on any European heritage items.
Aboriginal heritage	Due to works being alterations only, the proposal will not impact on any Aboriginal heritage items.

## **APPENDIX C. RECOMMENDED CONDITIONS OF CONSENT**

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