

## **Modification Assessment Report MOD 7102**

**Modification (1) of DA 6440**

**Modification to enable use of a Prefabricated  
Mobile Food Kiosk at Top Station Car Park  
Double Chair, Guthega, Perisher Range Alpine  
Resort, Kosciuszko National Park**



Secretary's Environmental Assessment Report  
Section 96(1A) of the  
*Environmental Planning and Assessment Act 1979*

**June 2015**

Cover page: Top Station Double Chair (Source: Department's original assessment report)

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## 1. INTRODUCTION

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This report provides an assessment of an application to modify Development Consent 6440 for the deployment of a mobile food kiosk at Guthega under Section 96(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act). The modification seeks approval to amend the consent to enable use of the mobile food kiosk for the 2015 winter ski season.

The proposed modifications are described in detail in **Section 2** of this report.

### 1.1 Locality

Guthega is located within Perisher Range Alpine Resort, Kosciuszko National Park. The subject site is located adjacent to the car park of the Top Station Double Chair, Guthega. The site is highly disturbed land consisting of fescues and exotic grasses; there are no native plants or endangered species in situ. Existing services and utilities are in place for the chairlift station. These can also be used for the mobile kiosk.

The site location is shown in **Figure 1**.



**Figure 1:** The site (Source: Department's original assessment report)

### 1.2 Original Development Consent – DA 6440

On 21 May 2014, the Department granted consent to DA 6440 for the deployment of a temporary food kiosk. In particular, the approval granted consent for:

- onsite installation of prefabricated mobile food kiosk measuring 5.2 metres in length, 3.5 metres in width and approximately 2.5 metres in height; and
- trial use of the kiosk on a limited basis for the 2014 winter ski season with associated seating and tables.

## 2. THE PROPOSED MODIFICATION

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The Applicant seeks to modify DA 6440 to extend the date of which the kiosk is to be removed by to the 30<sup>th</sup> of October 2015. The kiosk will occupy the same site as outlined the original DA.

The applicant has advised that the kiosk was proposed as a mobile, alternative food and drink source for the ski resorts guests and visitors. It will allow the resort to cater for any onsite events as well as move to areas which have high numbers of guests.

## 3. STATUTORY FRAMEWORK

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### 3.1 Modification of Approval

Section 96(1A) of the EP&A Act requires the following matters to be assessed in respect of all applications which seek modifications to approvals:

1. *It is satisfied that the proposed modification is of minimal environmental impact.*

The proposed modification is considered to be of minimal environmental impact (see assessment in **Section 5** of this report).

2. *It is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all).*

The Department is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted. The Department's consideration of this is contained in **Section 6** of this report.

3. *It has notified the application in accordance with the regulations, if the regulations so require, or any development control plan, if required*

There is no development control plan in place that requires the modification application to be notified.

4. *It has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.*

The modification application received no public submissions and the Office of Environment and Heritage raised no concerns with the proposal.

5. *It has considered the matters referred to in section 79C (1) of the EP&A Act as are of relevance to the development the subject of the application.*

The Department has considered all relevant matters for consideration under section 79C (1) of the EP&A Act in its assessment of the proposal in this report.

### 3.2 Environmental Planning Instruments

State Environmental Planning Policy (Kosciuszko National Park – Alpine Resorts) 2007

The modification application is consistent with the aim and objectives of the Alpine SEPP. 'Food outlets' are permissible with consent pursuant to Clause 11 of the Alpine SEPP and the Perisher Range Alpine Resort land use table.

### 3.3 Delegation

The original application was determined under the delegation of the then Minister for Planning, therefore the Minister remains as the consent authority for any subsequent applications to modify the consent.

In accordance with the Minister's delegation, the Team Leader, Alpine Resorts Team may determine the application as:

- the application relates to land to which *State Environmental Planning Policy (Kosciuszko National Park – Alpine Resorts) 2007* applies; and
- there are less than 25 public submissions in the nature of objections.

## 4. CONSULTATION AND SUBMISSIONS

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

The modification was referred to the OEH, who advised that they support the extension of the trial period to include the 2015 winter season and that no further comments, in addition to those provided in the original application, were necessary.

## 5. CONSIDERATION

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The applicant seeks to modify DA 6440 to amend the date of removal to the 30<sup>th</sup> of October 2015. The modification will have no environmental effects that were not previously addressed in the original DA or additional matters in terms of public health.

The Department does not raise any concerns with modifying the application as proposed.

## 6. CONCLUSION AND RECOMMENDATION

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### 6.1. Conclusion

After consideration of the proposal against the relevant statutory considerations, Section 96A of the EP&A Act and the provisions of the Alpine SEPP, it is concluded that the proposed modification of DA 6440 is appropriate. The proposal is permissible and no submissions were received regarding the application.

It is recommended that DA 6440 be amended to allow the kiosk to operate during the 2015 winter season.

### 6.2. Recommendation

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

- a) **consider** the findings and recommendations of this report;
- b) **approve** the modification under delegated authority, subject to conditions; and
- c) **sign** the attached Notice of Determination for MOD 7102.

Prepared by:



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Approved by:



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**Alpine Resorts Team**

26/6/2015

## **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=7102](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7102)

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

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