



## ENVIRONMENTAL ASSESSMENT REPORT

(under Section 4.15 of the Environmental Planning and Assessment Act 1979)

Application No.: DA 9239

Applicant: Perisher Blue Pty Ltd

Application Site: Perisher Centre, Perisher Range Alpine Resort,  
Kosciuszko National Park

Proposal: Internal alterations to Jax Bar within the Perisher  
Centre, and associated works.

Date: April 2018

### 1. BACKGROUND

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#### 1.1 Introduction

This report provides an assessment of a Development Application (DA 9239) lodged by Perisher Blue Pty Ltd on 29 March 2018 under Part 4 of the *Environmental Planning and Assessment Act, 1979* (EP&A Act). The application seeks consent for internal works to Jax Bar within the Perisher Centre, Perisher Range Alpine Resort within Kosciuszko National Park (**Figure 1**). The proposal is described in detail in **Section 2** of this report.



Figure 1: Jax Bar location within the Perisher Centre (Source: Six Maps)

## 1.2 The Site and Surrounding Development

The subject site is Jax Bar located within the Perisher Centre which is a shopping and restaurant precinct within the Perisher Range Alpine Resort. Jax Bar is located at the south-western end of the building and is a popular restaurant/bar which overlooks Front Valley. The surrounding development is characterised by commercial outlets including other eateries, retail shops, ski hire, bars and Perisher administration offices.

## 2. PROPOSED DEVELOPMENT

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The application seeks approval for internal alterations of Jax Bar comprising:

- removal of part of the bar and installation of one hot food and one cold food glass display unit;
- installation of a hand wash sink;
- relocate existing beer taps; and
- replacement of a damaged vinyl bench with stainless steel.

The proposal does not involve any external alterations or ground disturbance. The estimate cost of works is \$20,000.

## 3. STATUTORY CONTEXT

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### 3.1. Consent Authority

Under clause 7 of *State Environmental Planning Policy (Kosciuszko National Park – Alpine Resorts) 2007* (the Alpine SEPP), the Minister for Planning is the consent authority for the application as the development takes place within a ski resort area as referred to in clause 32C (2)(a) of Schedule 1 to the *Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017*.

### 3.2. Determination under Delegation

In accordance with the Minister's delegation of 11 October 2017, the Team Leader, Alpine Resorts Team may determine the application as:

- 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.

### 3.3. Permissibility

The proposal includes internal alterations to improve facilities within an existing bar / restaurant consistent with the definition of 'food outlet' as defined in the Alpine SEPP. Pursuant to clause 11 of the Alpine SEPP, food outlets are permissible with consent within the Perisher Range Alpine Resort.

### 3.4. Notification

After accepting the application, the Department placed the application on its website available to the public. Due to the location and internal only nature of the proposal, the application was not notified or exhibited.

The Department consulted with the OEH who advised that, due to the scale and type of works, they would not require a formal referral. The OEH recommended that standard conditions relating to the Food Act are imposed.

### **3.5. Considerations under section 4.15 of the EP&A Act**

Under section 4.15 of the EP&A Act, in determining a development application, a consent authority is required to take a number of matters into consideration in relation to the proposed development. The Department has given due consideration to the matters prescribed by section 4.15.

The Department's consideration of the development against the provisions of section 4.15 of the EP&A Act is contained in **Section 5** and within **Appendix B** of this report.

### **3.6. Environmental Planning Instruments**

Under section 4.15 of the EP&A Act, the consent authority, when determining a development application, must take into consideration the provisions of any environmental planning instrument (EPI) and draft EPI (that has been subject to public consultation and notified under the EP&A Act) and development control plan/s (DCP) that apply to the proposal.

The Alpine SEPP is the only EPI which applies to the site for this type of development. An assessment against the requirements of the Alpine SEPP is provided in **Appendix C**. The Department is satisfied that the application is consistent with the requirements of the Alpine SEPP.

### **3.7. Objects of the EP&A Act**

In determining an application, the consent authority should consider whether the proposal is consistent with the relevant objects of the EP&A Act.

The proposal complies with the objects as it seeks approval for works aimed at providing improved facilities within an existing bar and restaurant. The proposal will not result in any detrimental impacts to the amenity of the surrounding locality.

The proposal also promotes the orderly and economic use of the site and will not have an impact on the environment thus being ecologically sustainable development (**Section 3.8**).

### **3.8. Ecologically Sustainable Development (ESD)**

The EP&A Act adopts the definition of 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. The Department has considered the project in relation to the ESD principles. The Precautionary and Inter-generational Equity Principles have been applied in the decision-making process via an assessment of the impacts of the proposal.

### **3.9. 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.

### **3.10. Strategic context**

The Department considers the proposal is consistent with the South East and Tableland Region Plan 2036 which was released by the Department of Planning in July 2017. The plan aims to, among other things, increase visitation to the NSW ski resorts.

The proposed development assists with this by providing updated facilities for visitors to the ski resort and Kosciuszko National Park.

### **3.11. Biodiversity Conservation Act 2016**

As part of the implementation of the *Biodiversity Conservation Act 2016* (BC Act) the Minister released Biodiversity Values Mapping (BVM) of all public and private land areas in the State whose biodiversity is protected by the BC Act. Parts of the ski resorts are incorporated in this mapping as an area of protected biodiversity value.

The Department has reviewed the mapping and sought advice from the OEH in relation to this application. The advice concluded that as the Perisher Centre Building is not included in the BVM and only a small part of the lease area for the Perisher Centre is in the BVM area and the works are internal only there would be no impact on any native vegetation.

## **4. ASSESSMENT**

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The Department has considered the relevant matters for consideration under section 4.15 of the EP&A Act, the SEE and supporting information in its assessment of the proposal. The key issues in the Department's assessment are:

- compliance with the Food Act; and
- managing environmental impacts during construction.

### **4.1. Compliance with the Food Act**

The proposal is required to comply with the Food Acts and relevant Australian Standards. The Department considers that the design and construction, as well as the ongoing use of the bar, is able to comply with the Food Act in relation to food preparation surfaces, washing facilities and the like. Documentation confirming compliance would be required at the Construction Certificate stage and an inspection will be required by the Environmental Health Officer.

The proposed works are considered acceptable. Conditions of consent are recommended to ensure that Food Act compliance is addressed at the Construction Certificate stage.

### **4.2. Managing environmental impacts during construction**

Given the scope of the works, it is unlikely that the construction of the proposal will cause any adverse impact upon the natural environment. The proposal is in keeping with the use of the building as a restaurant and bar and the works are contained within the building envelope and would have no impacts on the ground.

Construction impacts are expected and noise and vibration will be short term and managed in accordance with conditions.

There is adequate parking outside of the building for construction equipment and vehicles. Site environmental management measures are proposed to ensure impacts to the environment and adjoining building are minimised.

## **5. CONCLUSION**

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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;
- construction works will be undertaken in accordance with the BCA and relevant Australian Standards; and
- the proposal is appropriate and does not adversely 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.

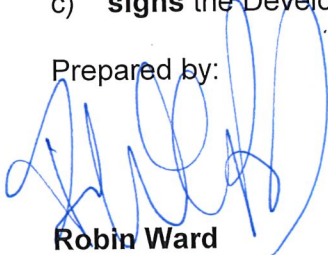
## 6. RECOMMENDATION

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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 4.15 of the EP&A Act, including the findings and recommendations of this report; and
- b) **grant consent to** the Development Application (DA 9239), subject to conditions, under section 4.16(1)(a) of the EP&A Act, having considered matters in accordance with (a) above; and
- c) **signs** the Development Consent at **Appendix D**.

Prepared by:



**Robin Ward**  
Planning Officer, Alpine Resorts Team

Approved by:



9/4/2018

**Daniel James**  
Team Leader, Alpine Resorts Team  
As delegate of the Minister for Planning

## **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=9239](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9239)

## APPENDIX B. CONSIDERATIONS UNDER THE EP&A ACT

### Section 4.15(1) – Matters for consideration

Section 4.15(1) of the EP&A Act requires that the consent authority, when determining a development application, must take into consideration the following matters:

(a)(i) any environmental planning instrument (EPI)	Consideration of the provisions of all EPIs that apply to the proposed development is provided in <b>Appendix C</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	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.
(a)(v) any coastal zone management plan	Not applicable.
(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,	The Department has considered the likely impacts of the development. All environmental impacts can be appropriately managed and mitigated through recommended conditions of consent.
(c) the suitability of the site for the development,	The site is suitable for the proposal and supports its approved use.
(d) any submissions made in accordance with this Act or the regulations,	No submissions were received.
(e) the public interest.	The proposed development is considered to be consistent with the aim and objectives of the Alpine SEPP and would be compatible to the uses of the locality. There would also not be an adverse impact on the environment and the proposal is consistent with the principles of ESD.  As such, the proposal is considered to be in the public interest, subject to the imposition of appropriate conditions.

## APPENDIX C. CONSIDERATION OF ENVIRONMENTAL PLANNING INSTRUMENTS

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

CI 14(1) – Matters to be considered by consent authority	
(a) the aim and objectives of this policy, as set out in clause 2	The proposal is consistent with the aim and objectives of the Alpine SEPP in that it is consistent with the principles of ESD and supports the use of the site.
(b) the conservation of the natural environment and any measures to mitigate environmental hazards (including geotechnical hazards, bush fires and flooding),	The proposal is appropriate as it would allow for improved facilities within the building while having minimal to no impact on the natural environment. There are no other known natural hazards.
(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 building. The subject site contains the necessary infrastructure and services to support the development as proposed.
(d) any statement of environmental effects,	The SEE is 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, noting that the proposal is in keeping with the existing use.
(f) the Geotechnical Policy – Kosciuszko Alpine Resorts,	The Department notes that the site is located inside the G zone on the geotechnical maps.  The Department has considered the documentation provided by the Applicant and the objectives of the Geotechnical Policy.  The works are exempted by the Policy as they are internal only requiring no excavation or alterations to load-bearing components of the building.
(g) any sedimentation and erosion control measures,	Sedimentation and erosion control are not anticipated to be an issue.
(h) any stormwater drainage works proposed,	The proposed works do not impact upon the existing storm water drainage system.
(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.
(j) any significant increase in activities, outside of the ski season,	The proposal will not result in an 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 to proposal as site is located in Perisher Range Alpine Resort.
(m) if the development is proposed to be carried out on land in a riparian corridor.	Not applicable to proposal.
CI 15 – Additional matters to be considered for buildings	
Building Height	The proposed works do not increase the height of the existing building.
Building Setback	The proposed works do not impact upon existing setbacks.
Landscaped Area	The proposed works do no impact upon the landscaped areas.
CI 17 – applications referred to the Office of Environment and Heritage (OEH)	
The proposal was not referred to the OEH for comment due to the nature of the works.	
CI 26 – Heritage conservation	
European heritage	The proposal is not considered to impact on any European heritage items.
Aboriginal heritage	The proposal is internal only and will not impact on Aboriginal heritage.

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

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