

Notice of decision

Section 2.22 and clause 20 of Schedule 1 of the *Environmental Planning and Assessment Act 1979*

Application type	Development Application
Application number and project name	DA 21/15709 External and internal alterations to an existing tourist accommodation building, Unit 16 and 17 The Stables, 20 Candle Heath Road in Perisher Range Alpine Resort within Kosciuszko National Park (KNP)
Applicant	Matthew Duffy
Consent Authority	Minister for Planning

Decision

The Principal Planning Officer of the Alpine Resorts Team under delegation from the Minister for Planning has, under s.4.16 of the *Environmental Planning and Assessment Act 1979* (**the Act**) granted consent to the development application subject to the recommended conditions.

A copy of the development consent and conditions is available:

<https://www.planningportal.nsw.gov.au/development-assessment/state-significant-applications/projects/state-development-applications>

A copy of the Department of Planning and Environment's Assessment Report is available:

<https://www.planningportal.nsw.gov.au/development-assessment/state-significant-applications/projects/state-development-applications>

Date of decision

12 October 2023

Reasons for decision

The following matters were taken into consideration in making this decision:

- the relevant matters listed in section 4.55(1A) and 4.15 of the Act and the additional matters listed in the statutory context section of the Department's Assessment Report;
- the prescribed matters under the *Environmental Planning and Assessment Regulation 2021*;
- the objects of the Act;
- all information submitted with the development application and during the assessment and information considered in the Department's Assessment Report;
- the findings and recommendations in the Department's Assessment Report; and
- the views of the community about the project (see Attachment 1).

The findings and recommendations set out in the Department's Assessment Report were accepted and adopted as the reasons for making this decision.

The key reasons for granting consent to the development application are as follows:

- the project is permissible with development consent under the State Environmental Planning Policy (Precincts - Regional) 2021 and is consistent with NSW Government policies including the *South East and Tableland Regional Plan 2036* aim to increase visitation to the NSW ski resorts.
- the impacts on the community and the environment can be appropriately minimised, managed or offset to an acceptable level, in accordance with applicable NSW Government policies and standards. The consent authority has imposed conditions relating to construction standards, environmental considerations, vegetation management and post construction certification;
- no issues were raised by the community during exhibition of the proposal; and
- weighing all relevant considerations, the project is in the public interest.

- **Attachment 1 – Consideration of Community Views**

The Department's Community Participation Plan (CPP), November 2019, prepared in accordance with Schedule 1 of the Act required the application to be exhibited for a period of 14 days. The Department exhibited the application on the NSW Planning Portal website between 10 November 2021 and 24 November 2021. The Department received an application to amend the development application on 25 August 2023, which was accepted. Pursuant to the discretionary considerations in the CPP that relate to amended applications, re-exhibition of the amended application was not considered necessary based on the scale and nature of the amendment to the works.

Pursuant to s. 4.46 of the EP&A Act (integrated development) the application was referred to the NSW Rural Fire Service (RFS) as the site is identified as bushfire prone and a Bushfire Safety Authority (BFSA) is required under the *Rural Fires Act 1997*, and the amended application was also referred to the RFS.

Pursuant to s. 4.5 of the Precincts - Regional SEPP the application was referred to the National Parks and Wildlife Service (NPWS) for land within an alpine resort within KNP, as well as a further referral when the application was amended.

The Department also notified lodges within fifty (50) metres of the development site of the proposal.

Comments were received from the RFS and the NPWS in relation to both the original referral and when the application was amended, and all referral responses have been considered and addressed in detail in the Department's Assessment Report.

There were no community views that needed to be taken into consideration in making this decision as no issues were raised by the community and no public submissions were received during the exhibition period.