

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 22/4975 – External Alterations, Aspen Creek Apartment 2, 8B Chimneys Way, Thredbo Village.
Applicant	Wayne Lazarus
Consent Authority	Minister for Planning

Decision

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

A copy of the development consent and conditions is available:
<https://www.planningportal.nsw.gov.au/daex/determined>

A copy of the Department of Planning and Environment's Assessment Report is available:
<https://www.planningportal.nsw.gov.au/daex/determined>

Date of decision

03 June 2022

Reasons for decision

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

- the relevant matters listed in s. 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 to the Department during the assessment of the development application and any additional 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 Region Plan 2036* aim to increase visitation to NSW ski resorts;
- the impacts on the community and the environment can be appropriately minimised or managed 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, post construction certification and rehabilitation;
- 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, November 2019, prepared in accordance with Schedule 1 of the Act requires applications for nominated integrated development to be exhibited for a period of 28 days. The Department exhibited the application on the NSW Planning Portal website between 31 March 2022 and 27 April 2022.

Pursuant to s. 4.46 of the EP&A Act (integrated development) the application was referred to the following agencies:

- Department of Planning and Environment - Water (DPE Water) as consideration is required for development on waterfront land (within 40 metres of a water course) in accordance with the *Water Management Act 2000*., and
- 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*.

Pursuant to s. 4.5 of the Precincts - Regional SEPP the application was also referred to the National Parks and Wildlife Service (NPWS) for land within an alpine resort within KNP.

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

Comments were received from DPE – Water, the RFS and the NPWS, which 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.