

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 23/2747 – For the separation of potable water supply catchment from the catchment where recycled water discharge is occurring and for reuse of recycled water from the sewage treatment plant for toilet flushing within the Visitor Centre and for the snowmaking system (trial only).
Applicant	Selwyn Snow Resort Pty Ltd
Consent Authority	Minister for Planning

Decision

The Director of the Regional Assessments 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, Housing and Infrastructure's Assessment Report is available:

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

Date of decision

11 April 2024

Reasons for decision

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

- the relevant matters listed in section 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 2041* 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 proposed development is classified as integrated development under section 4.46 of the EP&A Act for which approval is required from the NSW Environment Protection Authority (EPA) under the *Protection of the Environment and Operations Act 1997* (POEO Act) for a non-scheduled activity. Section 43(d) of the POEO Act permits an environment protection licence to be issued *‘to control the carrying out of non-scheduled activities for the purpose of regulating water pollution resulting from any such activity, as referred to in section 122’*.

The Department's Community Participation Plan, November 2019, prepared in accordance with Schedule 1 of the EP&A Act requires nominated integrated development applications be exhibited for a period of 28 days. The Department exhibited the application between 15 March 2023 and 12 April 2023 on the NSW Planning Portal. The application was also forwarded to State government agencies, including:

The EPA provided comments pursuant to section 4.46 (integrated development) of the Act as an environment protection licence is required under the provisions of the POEO Act. The Department has included the General Terms of Approval (GTA) from the EPA in the instrument of consent.

Comments were received from the National Parks and Wildlife Service pursuant to Clause 4.5 of the Precincts - Regional SEPP. The issues raised by the National Parks and Wildlife Service are addressed in detail in the Department's Assessment Report.

Comments were received from NSW Health as a key stakeholder for public health matters. The issues raised by NSW Health are addressed in detail in the Department's Assessment Report.

One public submission was received. The objector raised public health and environmental concerns in relation to the proposed development. The Department has considered the comments raised in the submission and the Applicant's response. The trial DA will allow data to be collected to inform if there are environmental and human health risks that need to be further mitigated. This would then allow a subsequent application assessment to determine if a permanent water reuse arrangement is appropriate.