

# Notice of decision

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

<b>Application type</b>	Development Application
<b>Application number and project name</b>	DA 23/3582 – Internal and external alterations to Units 20 to 25, The Stables, 20 Candle Heath Road (Lot 603 DP1158020), Perisher Valley, Perisher Range Alpine Resort, Kosciuszko National Park
<b>Applicant</b>	Mr Matthew Anstee
<b>Consent Authority</b>	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 and any additional conditions.

A copy of the development consent and conditions is available:

[State DA | Planning Portal - Department of Planning and Environment \(nsw.gov.au\)](#)

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

[State DA | Planning Portal - Department of Planning and Environment \(nsw.gov.au\)](#)

### Date of decision

1 December 2023

### 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 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 the 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 required the application to be exhibited for a period of fourteen (14) days. The Department exhibited the application on the NSW Planning Portal between 31 March 2023 and 14 April 2023.

The Department received an application to amend the development application, which was accepted on 1 November 2023. 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.

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

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 RFS issued a Bush Fire Safety Authority on 12 May 2023 approving the works subject to General Terms of Approval (GTAs). The GTAs were confirmed in the updated BFSA issued by the RFS on 7 November 2023.

Comments were also received from the National Parks and Wildlife Service.

The matters raised by the RFS and the NPWS are 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 public submissions were received during the exhibition period.