

Notice of decision

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

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| Application type | Development Application |
| Application number and project name | DA 24/7409, Outdoor dining area ancillary to commercial premises, Site adjoining Base Station of Mount Perisher Triple Chair (Lot 510 Deposited Plan 1171964), Perisher Range Alpine Resort, Kosciuszko National Park. |
| Applicant | Perisher Blue Pty Ltd |
| 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 Assessment Report by the Department of Planning, Housing and Infrastructure is available:

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

Date of decision

10 July 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 to the Department with the development application and during the assessment of the development application 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 environmental and safety considerations and site management;
- no issues were raised by the community during the assessment of the application; 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), April 2024, prepared in accordance with Schedule 1 of the Act did not require the application to be exhibited as the works are not located within fifty (50) metres of a tourist accommodation building. The Department placed the application on the NSW Planning Portal website for the information of any interested parties consistent with the intent of the CPP to make applications publicly available.

Pursuant to s. 4.27 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.

Comments were received from NPWS, which have been considered and addressed in detail in the Department's Assessment Report.

There were no other submissions received or community views that needed to be taken into consideration in making this decision.