

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 22/4825 – Installation of temporary ground anchors on site and adjoining properties, Black Bear Inn and adjoining land (Lot 793 DP 1119757, Lot 795 DP 1119757 and Lot 843 DP 1119757), Thredbo Village, Thredbo Alpine Resort
Applicant	Hidali Pty Ltd
Consent Authority	Minister for Planning

Decision

The Director of the Regional Assessments 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:

<https://www.planningportal.nsw.gov.au/daexhibitions>

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

<https://www.planningportal.nsw.gov.au/daexhibitions>

Date of decision

1 August 2022

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 2000*;
- 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;
- the issues raised by the community during consultation and in submissions have been considered and adequately addressed by the Applicant and in the Department's Assessment Report; 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 EP&A Act requires applications of development consent to be exhibited for a period of fourteen (14) days. However, applications under Chapter 4 of the Precincts - Regional SEPP are not required to be public exhibited if the proposal relates to works which are wholly internal to a building or where the site is located more than 50 metres away from a tourist accommodation building.

As the works are within 50 metres of other tourist accommodation buildings, the Department exhibited the application between 31 March 2022 until 13 April 2022 on the NSW Planning Portal website.

Comments were received from the National Parks and Wildlife Service and are addressed in detail in the Department's Assessment Report.

One public submission was received commenting about the proposal. The key issues raised by the community member and considered in the Department's Assessment Report and by the decision maker include why the temporary anchor points were not considered during the original application, necessity to have the anchors and what impact the anchors would have on the adjoining buildings. The issues are addressed in detail in the Department's Assessment Report and tabulated below.

<i>Issue</i>	<i>Consideration</i>
<i>Why not included in original application and impacts upon adjoining buildings</i> <ul style="list-style-type: none">necessity for anchors nowimpact of anchors on adjoining properties	<i>Assessment</i> <ul style="list-style-type: none">The works now proposed were only identified due to prevailing site conditions and advice from geotechnical and structural design reviews.The Applicant noted that the anchors provide improved safety for the development and adjoining properties, thus reducing property damage risk.The consent authority is satisfied that the proposed works are acceptable. <i>Conditions</i> <ul style="list-style-type: none">A condition is included requiring a dilapidation report on adjoining buildings to ensure that any impacts from the anchors can be documented and addressed by the Applicant.