

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 22/5281 – Installation of two heat pumps for hot water services at Guthega Inn, 57 Mount Tate Road, Guthega, Perisher Range Alpine Resort within Kosciuszko National Park.
Applicant	Mrs Jennifer Kennedy, Kaiwarra Pty Ltd
Consent Authority	Minister for Planning

Decision

The Director, 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/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

4 May 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 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 to be exhibited for a period of fourteen (14) days where development applications under the Precincts - Regional SEPP are not wholly internal to a building or where the site is not located more than fifty (50) metres away from a tourist accommodation building.

The Department exhibited the application between 7 April 2022 to 21 April 2022 on the NSW Planning Portal website and also notified nearby lodges of the proposal, as the works include external alterations to an existing tourist accommodation building within fifty (50) metres of other tourist accommodation buildings.

The application was exemption under clause 45 (o) of the Rural Fires Regulation 2013 and not required to be referred to the Rural Fire Service. The application was referred to the National Parks and Wildlife Service (NPWS) pursuant to Clause 4.5 of the Precincts - Regional SEPP

During the exhibition period, the Department received comments from the NPWS and one public submission in support of the proposal.

The matters raised by NPWS are addressed in detail in the Department's Assessment Report.

The public submission supported the proposal on the basis of a well-conceived design that utilises an efficient heat source and minimises visual impacts.

The community views advised to the Department were taken into consideration in making this decision.