

Development consent

Section 4.16 of the *Environmental Planning and Assessment Act 1979*

As delegate of the Minister for Planning, under delegation executed on 9 March 2022, I approve the Development Application referred to in Schedule 1, subject to the conditions in Schedule 2.

These conditions are required to:

- prevent, minimise, or offset adverse environmental impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the development.



Daniel James
Team Leader
Alpine Resorts Team
Department of Planning and Environment

Jindabyne

24 March 2023

SCHEDULE 1

Application No.:	DA No. 22/4928
Applicant:	CommPlan Pty Limited
Consent Authority:	Minister for Planning
Land:	Lot 36 DP 46316, Mount Selwyn Alpine Resort, Kosciuszko National Park
Type of Development:	General Development
Integrated Bodies:	Nil
Approved Development:	Subdivision of land, construction of a telecommunications facility and associated works as outlined in Condition A.2

DEFINITIONS

Act	means the <i>Environmental Planning and Assessment Act, 1979</i> (as amended).
Applicant	means CommPlan Pty Limited, or any person carrying out any development to which this consent applies.
Approval Body	has the same meaning as within Division 4.8 of Part 4 of the Act.
BCA	means the edition of the Building Code of Australia in force at the time of lodgement of an application for a Construction Certificate.
Certifier	has the same meaning as in Part 6 of the Act.
DA No 22/4928	means the development application submitted by the Applicant on 30 March 2022.
Department	means the Department of Planning and Environment, or its successors.
Development	means the development approved pursuant to this consent, as defined in Condition A.2 and as modified by the conditions of this consent.
Director	means the Director of Regional Assessments or a delegate of the Director of within the Department.
EP&A Regulation	means the <i>Environmental Planning and Assessment Regulation, 2021</i> (as amended).
EP&A Regulation (DCFS)	means the <i>Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation, 2021</i> (as amended).
Minister	means the Minister for Planning, or nominee.
NPWS	means the National Parks and Wildlife Service, or its successors.
Non-compliance	means an occurrence, set of circumstances or development that is a breach of this consent.
Park	means the Kosciuszko National Park reserved under the <i>National Parks and Wildlife Act 1974</i> .
Precincts - Regional SEPP	means the <i>State Environmental Planning Policy (Precincts – Regional) 2021</i> (as amended), that includes Chapter 4 – Kosciuszko National Park and alpine resorts.
Principal Certifier	means the principal certifier and has the same meaning as Part 6 of the Act.
Rehabilitation Guide	means the NPWS document entitled: <i>Rehabilitation Guidelines for the Resorts Areas of Kosciuszko National Park</i> (2007) a copy of which is available at: Rehabilitation guidelines for the resort areas of Kosciuszko National Park NSW Environment and Heritage
Secretary	means the Secretary of the Department, or nominee/delegate.
Secretary's approval, agreement or satisfaction	means a written approval from the Secretary or nominee/delegate.
Site Environmental Management Plan or SEMP	means a site environmental management plan for the Subject site, prepared by the Applicant as part of Condition C.3.
Stockpile Guide	means the NPWS document entitled: ' <i>Soil Stockpile Guidelines for the Resort Areas of Kosciuszko National Park, October 2017</i> ', a copy of which can be obtained from the NPWS Resorts Environmental Services Team.
Subject site	has the same meaning as the land identified in Part A of this schedule.
Team Leader	means the Team Leader of the Alpine Resorts Team within the Regional Assessments division (or its successors) or a delegate of the Team Leader of the Alpine Resorts Team within the Department.

SCHEDULE 2

PART A – ADMINISTRATIVE CONDITIONS

A.1. Obligation to minimise harm to environment

In addition to meeting the specific performance measures and criteria established in this consent, all reasonable and feasible measures to prevent, and if prevention is not reasonable and feasible, minimise, any material harm to the environment that may result from the construction and operation of the development.

A.2. Development in accordance with approved documentation and plans

The development shall be in accordance with the:

- (a) Development Application No. DA 22/4928 and supporting documentation lodged on 30 March 2022;
- (b) additional information received during the assessment of the application;
- (c) conditions of this consent; and
- (d) approved documents in the table below (except where modified by conditions of this consent):

Ref No.	Document	Title/Description	Author / Prepared by	Dated	Document Reference
1	Statement of Environmental Effects	Telecommunications Facility at Mt Selwyn Ski Resort (including subdivision)	CommPlan	November 2021 (updated 15 December 2022)	-
2	Report	Environmental EME Report	-	27 May 2021	2630027
3	Report	Biodiversity Assessment	Biosis Pty Ltd	21 October 2021	29165 Rev. 02
4	Report	Aboriginal Objects Due Diligence Assessment	Niche Environment and Heritage	5 November 2021	-
5	Report	Geotechnical Site Investigation	Intrax Consulting Engineers Pty Ltd	15 June 2022	119033 Rev. 1
6	Form	Form 4 – Minimal Impact Certification	Intrax Consulting Engineers Pty Ltd	9 March 2022	-
7	Plan	Site Layout	Optus Mobiles Pty Ltd	24 November 2021	S8597-P1 Rev. 01

8	Plan	Site Elevation	Optus Mobiles Pty Ltd	24 November 2021	S8597-P3 Rev. 01
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Note: In accordance with section 24(3)(a) of the Regulation, a Development Application is lodged on the day on which the fees payable for the Development Application under this Regulation are paid.

A.3. Inconsistency between documents

The conditions of this consent prevail to the extent of any inconsistency, ambiguity or conflict between them and a document listed in Condition A.2. In the event of an inconsistency, ambiguity or conflict between any of the documents listed in Condition A.2, the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

A.4. Lapsing of consent

This consent lapses five years after the date of consent unless work for the purposes of the Development is physically commenced.

A.5. Prescribed conditions

All works shall comply with the prescribed conditions of development consent as set out in Part 4, Division 2 of the EP&A Regulation. In particular, your attention is drawn to:

- (a) section 69, Compliance with Building Code of Australia; and
- (b) section 70, Erection of signs during building and demolition works.

A.6. Australian standards

All works which are part of the Development must be carried out in accordance with current Australian Standards.

A.7. Legal notices

Any advice or notice to the consent authority shall be served on the Secretary.

A.8. Non-Compliance Notification

The Department must be notified in writing to compliance@planning.nsw.gov.au and alpineresorts@planning.nsw.gov.au within seven days after the Applicant becomes aware of any Non-compliance. The Principal Certifier must also notify the Department in writing to compliance@planning.nsw.gov.au and alpineresorts@planning.nsw.gov.au within seven days after they identify any Non-compliance.

The notification must identify the Development and the application number for it, set out the condition of consent that the Development is Non-compliant with, the way in which it does not comply and the reasons for the Non-compliance (if known) and what actions have been, or will be, undertaken to address the Non-compliance.

A Non-compliance which has been notified as an incident does not need to also be notified as a Non-compliance.

PART B – PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

B.1. Construction certificate

Building works must not commence until a relevant construction certificate has been issued. Prior to the issue of the construction certificate, the Certifier must be satisfied that the documentation for the construction certificate demonstrates compliance with the conditions in Part B of this consent.

If the Department is not appointed as the Certifier, the Applicant must provide a copy of the construction certificate to the Department within 2 days of it being issued by the Certifier.

B.2. Documentation for the construction certificate

The proposed works must comply with the applicable performance requirements of the BCA to achieve and maintain acceptable standards of structural sufficiency, safety (including fire safety), health and amenity for the ongoing benefit of the community. Compliance with the performance requirements can only be achieved by:

- (a) complying with the deemed to satisfy provisions; or
- (b) formulating a performance solution which:
 - (i) complies with the performance requirements;
 - (ii) is shown to be at least equivalent to the deemed to satisfy provision; or
 - (iii) a combination of (i) and (ii).

B.3. Structural drawings and design statement

Prior to the issue of the relevant construction certificate, the Applicant must submit structural drawings and a design statement, prepared and signed by an appropriately qualified practising structural engineer, to the Certifier.

B.4. Design

The structure, antennas and other ancillary equipment, where feasible and reasonable, shall be constructed from non-reflective materials. Details to be provided to the Certifier prior to the issue of the Construction Certificate.

B.5. Building work plans and specifications

The appropriate building work plans and specifications must include the following:

- (a) detailed building work plans, drawn to a suitable scale and consisting of a block plan and a general plan, that show the following:
 - (i) a plan of each floor section;
 - (ii) a plan of each elevation of the building;
 - (iii) the levels of the lowest floor, an unbuilt yard or area that belongs to the lowest floor and the adjacent ground; and
 - (iv) the height, design, construction and provision for fire safety and fire resistance, if any; and
- (b) building work specifications that:
 - (i) describe the construction and the materials to be used to construct the building; and
 - (ii) describe the method of drainage, sewerage and water supply; and
 - (iii) state whether the materials to be used are new or second-hand and contain details of any second-hand materials to be used; and
- (c) a description of an accredited building product or system sought to be relied on for the purposes of the Act, section 4.15(4); and
- (d) a copy of a compliance certificate to be relied on; and

- (e) if the development involves building work to alter, expand or rebuild an existing building—a scaled plan of the existing building.

B.6. Payment of the long service levy

Prior to the issue of any construction certificate, evidence shall be provided to the Certifier, in the form of a receipt, confirming payment of the 'Long Service Levy' to the Long Service Payments Corporation in accordance with Section 34 of the *Building and Construction Industry Long Service Payments Act 1986*.

B.7. Asset Protection Zone (APZ) and Access Management Plan

An APZ and access management plan is to be prepared in consultation with and endorsed by NPWS (in consultation with the NPWS Environmental Liaison Officer), and submitted to the Secretary or nominee for approval, prior to issue of the relevant construction certificate.

The plan is to be prepared having regard to *Planning for Bushfire Protection 2019*, in particular Appendix 4.1 – Asset Protection Zones and Appendix 4.1.1 – Inner Protection Areas, and:

- (a) An APZ of 10 metres;
- (b) be drawn to a scale of 1:100 or 1:200;
- (c) clearly mark the vegetation on the site to be retained, including those areas mapped on the biodiversity values map;
- (d) clearly mark the vegetation to be removed / managed to achieve the required inner protection requirements of the RFS and access to the site off existing tracks; and
- (e) identify that where the removal or trimming of native vegetation, such as heath, which results in bare ground then the area must be rendered erosion resistant including rehabilitating with native poa seed and tubestock.

B.8. Bushfire Attack Level (BAL)

Prior to the issue of the construction certificate, the Applicant must submit plans demonstrating compliance that the materials be designed to withstand 40kWm² of radiant heat and to withstand ember penetration into the structure and associated infrastructure to the Certifier. The written confirmation must be submitted to the Certifier and a copy sent to the Department.

B.9. Geotechnical recommendations

Prior to the issue of the construction certificate, the Applicant is to demonstrate to the Certifier, with a copy provided to the Secretary or nominee, how compliance with the recommendations within the Geotechnical Site Investigation undertaken by Intrax Consulting Engineers Pty Ltd dated 15 June 2022 (Condition A.2 Item 5) will be or have been achieved.

B.10. Authorisation under the National Parks and Wildlife Act 1974

Prior to the issue of any construction certificate, the Applicant must obtain written confirmation from NPWS that relevant tenure and / or consent arrangements have been finalised. The written confirmation must be submitted to the Certifier and a copy sent to the Department.

B.11. Subdivision Certificate

Prior to the issue of the construction certificate, the Applicant must obtain a Subdivision Certificate in accordance with Section 6.15 of the *Environmental Planning and Assessment Act 1979* including:

- (a) Electronic subdivision plan in a suitable form for registration by NSW Land Registry Services and Administration sheet;
- (b) Any required or relevant Section 88B instrument under the *Conveyancing Act 1919* setting out terms of easements and/or restrictions as to user as may be required by conditions of

this consent. The Department be a party empowered to release, vary or modify those (and only those) easements and/or restrictions required by conditions of this development consent.; and

- (c) Documentation that relevant easements are created for water, sewer, electricity, telephone, and the like by arrangements with the relevant service authority or service company. Where required, each service authority and service company for easements are to be indicated on the Final Plan of Subdivision and associated Section 88B Conveyancing Act 1919 Instrument. A letter of compliance from the service authority and service company shall be submitted.

unless otherwise agreed to in writing by the Secretary or nominee.

PART C – PRIOR TO THE COMMENCEMENT OF WORKS

C.1. Notification of commencement

- (a) The Applicant must notify the Department in writing, at least 48 hours prior, of the date of commencement of physical work for the Development.
- (b) If the construction of the Development is to be staged, the Applicant must notify the Department in writing at least 48 hours prior to each construction stage, of the commencement date and extent of works to be carried out for the Development in that stage.

C.2. Temporary fencing

Prior to works commencing which are part of the Development, the construction works area must be fenced with temporary fencing. This fencing is to clearly delineate the construction area and shall keep the disturbance area to a minimum. This is to restrict access and also prevent unauthorised persons entering the work area.

C.3. Site environmental management plan (SEMP)

Prior to the issue of any construction certificate, a SEMP must be provided to the Certifier. The plan should include details for site management, such as the following where relevant:

- (a) erosion and sedimentation control management detail;
- (b) management of native vegetation;
- (c) Aboriginal objects finds protocol (to address Condition D.15);
- (d) waste management;
- (e) noise and vibration pollution;
- (f) air pollution;
- (g) fuels and chemicals;
- (h) vehicle parking, machinery access and material storage; and
- (i) emergency procedures.

C.4. Implementation of site environmental management measures

Prior to any relevant works which are part of the Development commencing, all site environmental management measures in accordance with the approved documentation (Condition A.2), the SEMP (Condition C.3) and these conditions of consent, shall be in place and in good working order.

C.5. Machinery and storage

- (a) Prior to Subject site mobilisation, all equipment, machinery and vehicles used during construction of the Development must be cleaned prior to entry into the Park, or if already within Mount Selwyn Alpine Resort cleaned prior to redeployment to the site, to ensure they are free of mud and vegetative propagules.
- (b) Equipment, machinery, and vehicles must be regularly maintained and manoeuvred to prevent the spread of exotic vegetation.
- (c) Storage of equipment, machinery, vehicles and material is to be restricted to existing disturbed areas (i.e. at the stockpile and staging areas proposed on ski slopes) and not be stored on native vegetation.

C.6. Implementation of approved Asset Protection Zone (APZ) and Access Management Plan

Prior to commencement of building works, the vegetation management of the site in accordance with the approved APZ and Access Management Plan (Condition B.7) is to be carried out.

Following completion of the vegetation management, advice must be submitted to the Department and NPWS within 7 days of it being submitted to the Principal Certifier.

C.7. Treatment of weeds

- (a) Prior to the commencement of works which are part of the Development, all relevant weed species that occur within the Subject site are to be treated to ensure these weeds are not spread further at the Subject site or throughout the Park.
- (b) For the purposes of paragraph (a), the term 'relevant weed species' refers to pest flora species identified in the regional pest management strategy for the NSW Southern Ranges Region most recently published by the Department, at the date of this consent being the *Regional Pest Management Strategy 2012-17 Southern Ranges Region*, a copy of which is available at: <https://www.environment.nsw.gov.au/-/media/OEH/Corporate-Site/Documents/Parks-reserves-and-protected-areas/Pest-management-strategies/regional-pest-management-strategy-southern-ranges-region-120374.pdf>
- (c) This Condition C.7 may be satisfied for the whole Development or progressively for various project stages which are part of the Development. In the latter case, paragraphs (a) and (b) of this condition shall reapply for each project stage.
- (d) If an area of vegetation proposed for removal includes any relevant weed species, then the vegetation must be removed completely from the Subject site and not spread out within the existing vegetation or used in rehabilitation and stabilisation works.

C.8. Pre-commencement compliance report

Prior to the commencement of works which are part of the Development, the Applicant must submit to the Principal Certifier a report addressing compliance with all conditions contained in sections B and C of this consent pertaining to those works. A copy of this compliance report must be submitted to the Department within 7 days of it being submitted to the Principal Certifier.

C.9. Compliance

The Applicant must ensure that all employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the development.

PART D – DURING CONSTRUCTION

D.1. Approved plans and documentation to be on-site

A copy of the approved plans and documentation must be kept by the Applicant on the Subject site at all times and be readily available for perusal by the Principal Certifier, any person associated with the construction works, or an officer of the Department or NPWS. Without limitation, this condition applies to the following approved documentation:

- (a) this consent and its schedule of conditions;
- (b) the approved documentation and plans (Condition A.2); and
- (c) the SEMP (Condition C.3).

D.2. Construction hours

All work in connection with the proposed Development may only be carried out between the hours of 7.00am and 6.00pm on Monday to Friday inclusive, and 7:00am to 1.00pm on Saturdays, with no work allowed on Sunday or gazetted public holidays in New South Wales, or as otherwise approved by the Secretary.

D.3. Construction period

- (a) All demolition, civil and construction works which are part of the Development may only occur in the 'summer period'. For the purposes of this condition, the summer period means the period of time commencing after the October long weekend (subject to no snow being on the Subject site) and ending no later than 31 May the following year in each year works are required to complete the Development, or as otherwise approved by the Secretary or nominee.
- (b) By 31 May in each year works are required to complete the Development, the Applicant must ensure that the Subject site is made safe and secure by undertaking the following:
 - (i) removal of all materials, vehicles, machinery, equipment, and the like;
 - (ii) removal and/or securing of all stockpiles of soil and gravel;
 - (iii) ensuring the Subject site is fenced with para-webbing or other suitable visible protection fencing around the perimeter of the site to limit access to and from the site;
 - (iv) appropriate signage must be erected outlining that unauthorised access to the Subject site is prohibited and that the site is a construction zone;
 - (v) all external plumbing and drainage works are to be completed;
 - (vi) any excavations are to be made safe and secure;
 - (vii) stabilisation and rehabilitation works must be implemented in accordance with these conditions of consent and the approved documentation; and
 - (viii) any other specific matters related to making the Subject site safe and secure raised by the Principal Certifier or the Secretary.

D.4. Construction activities

At all times during the construction phase of the Development and unless agreed otherwise by the Secretary or nominee in writing, the Applicant must ensure that:

- (a) all construction activities in connection with the Development are undertaken in accordance with the approved documentation, including (without limitation) the documentation specified in paragraphs (a) to (b) inclusive of Condition D.1.
- (b) all construction activities in connection with the Development are confined to the Subject site;
- (c) no disturbance or other adverse environmental impacts occur outside the Subject site; and
- (d) all materials, stockpiles, vehicles, machinery and the like are be confined to the Subject site.

Note to Applicant: The damage or removal of any native vegetation that is not the subject of this consent requires further authorisation under the National Parks and Wildlife Act 1974 or the Environmental Planning and Assessment Act 1979. Failure to obtain authorisation may result in compliance action under that legislation.

D.5. SafeWork NSW

The Applicant must ensure that all works which are part of the Development are carried out in accordance with current SafeWork NSW guidelines.

D.6. Site notice

The Applicant must ensure that site notice(s) are prominently displayed at the boundaries of the Subject site for the purposes of informing the public of Development details. The notice(s) is/are to satisfy all but not be limited to, the following requirements:

- (a) The notice is to be durable and weatherproof and is to be displayed throughout the construction phase of the Development.
- (b) The notice(s) must list the approved hours of work, the name of the principal contractor for the work (if any), and include a 24 hour contact phone number for any inquiries, including construction/noise complaints.
- (c) The notice(s) is/are to be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the site is not permitted.
- (d) The name, address and phone number of the Principal Certifier is to be identified on the notice(s).

D.7. Storage of materials

During the construction phase of the Development, the Applicant must ensure that:

- (a) the Subject site environmental management measures are complied with;
- (b) no storage or disposal of materials takes place beneath the canopy of any trees or on native heath vegetation; and
- (c) all stockpiling of material is undertaken in accordance with the Stockpile Guide.

D.8. Prohibition of hazardous materials

No hazardous or toxic materials or dangerous goods may be stored or processed on the Subject site at any time unless otherwise agreed by the Secretary or nominee.

D.9. Dirt and dust control measures

The Applicant must ensure that adequate measures are taken to prevent dirt and dust from affecting the amenity or environment of the adjoining areas during the construction phase of the Development.

D.10. Safety fencing

During the construction phase of the Development, the Applicant must ensure that the Subject site is clearly delineated and signed to prevent access by unauthorised persons.

D.11. Noise and vibration management

Excavation and construction works must be managed in accordance with Australian Standard AS 2436-2010 *Guide to noise and vibration control on construction, demolition and maintenance sites* and to ensure there is no adverse impact on any neighbouring/affected tourist accommodation buildings during the construction phase of the Development.

D.12. Recycled Material

In undertaking works which are part of the Development, the Applicant must wherever possible, salvage building material for reuse during the construction phase of the Development (subject to Condition B.5(b)) or ensure that it is sent to a recycling facility in order to reduce landfill.

D.13. Litter and building waste

Building waste must be minimised and must be contained in receptacles and covered daily, or removed from the Subject site each day, so as not to escape by wind, water or scavenging fauna. These receptacles must only be located in previously disturbed areas and not beneath the canopy or over roots of any trees. The receptacles must be cleaned regularly.

D.14. Loading and unloading of construction vehicles

All loading and unloading associated with demolition and construction work which is part of the Development must be restricted to those areas approved in the SEMP (Condition C.3) and these conditions.

D.15. Aboriginal heritage

- (a) Should any material suspected of being an Aboriginal relic or artefact become unearthed in the course of works which are part of the Development, the Applicant must immediately:
 - (i) cease all works impacting the suspected relic or artefact; and
 - (ii) contact the NPWS to arrange for representatives to inspect the Subject site.
- (b) The Applicant must ensure that all workers on the Subject site are made aware of the requirements of paragraph (a).

D.16. Erosion and sediment control measures

During the construction phase of the Development, the Applicant must ensure that all erosion and sediment control measures (e.g. silt curtains, sediment fences, booms etc.) are:

- (a) installed and maintained in accordance with *"Managing Urban Stormwater: Soils and Construction"* (4th Edition Landcom, 2004, aka the Blue Book); and
- (b) checked regularly, and in any case after each precipitation event, to ensure they remain in good working order at all times.

D.17. Rehabilitation and site establishment

- (a) Site stabilisation and rehabilitation works must commence, as soon as possible, following the completion of each stage of work which is part of the Development to minimise exposed areas. Disturbed areas must be adequately mulched and maintained with weed free straw (i.e. straw which does not contain viable seed or other vegetative propagules) until an erosion resistant ground condition is achieved. All erosion prevention and sediment control measures must remain in place until all exposed areas of soil are stabilised and/or revegetated.
- (b) Rehabilitation must be undertaken by the Applicant in accordance with:
 - (i) the Rehabilitation Guide; and
 - (ii) these conditions of consent.

D.18. Electrical works

All electrical works shall be carried out by a qualified and licensed Electrical contractor and installed in accordance with the relevant Australian Standards.

D.19. Geotechnical requirements

At all times, works associated with the development shall comply with:

- (a) the Department's Geotechnical Policy; and
- (b) the Geotechnical Site Investigation undertaken by Intrax Consulting Engineers Pty Ltd dated 15 June 2022.

Works at variance to recommendations contained in the geotechnical assessment report shall not be undertaken without prior written endorsement from the geotechnical engineer. Any written advice of the variation shall be provided to the Principal Certifier and the Department within 48 hours.

D.20. Re-fuelling

Appropriate controls must be put in place to ensure no spillage when re-fuelling all vehicles and machinery associated with works for the Development. Re-fuelling of vehicles and machinery must be performed on hard-stand areas or with appropriate spill kit and temporary bunding arrangements in place.

D.21. Excavation and trenching

All excavating and trenching work which is part of the Development must comply with the following:

- (a) be executed in a safe manner and in accordance with appropriate professional standards;
- (b) where trenches or excavations are to be left open overnight, provision must be made so that any fauna entering these excavations can escape;
- (c) adequate provision must be made for drainage;
- (d) trenching through areas of native vegetation (if any) must utilise sod replacement techniques where possible. If sod replacement does not achieve rapid stabilisation and revegetation in some areas, or is not suitable for an area, then follow up rehabilitation of the site is required to achieve an erosion resistant state; and
- (e) all excavations must be properly guarded and protected to prevent them from being dangerous;

unless otherwise agreed in writing by the Secretary or nominee.

PART E – PRIOR TO COMMENCEMENT OF USE

E.1. Occupation certificate

Prior to the occupation of the building or the commencement of use which are part of the Development, an occupation certificate must be obtained from the Principal Certifier. A copy of the occupation certificate must be furnished to the Secretary prior to the occupation of the relevant buildings or commencement of use which are part of the Development.

E.2. Site Clean Up

Prior to commencement of use which are part of the Development, the Subject site must be cleaned and made good to the satisfaction of the Principal Certifier.

E.3. Removal of site notice

Any site notices or other site information signs must be removed upon completion of the works which are part of the Development and prior to the commencement of use.

E.4. Structural certification

A structural engineer's certificate must be submitted to the Principal Certifier prior to issue of the relevant occupation certificate. This certificate is to verify that structural works which are part of the Development have been completed in accordance with approved plans and specifications and comply with the provisions of the BCA and relevant standards. A copy of the certificate is to be submitted to the Secretary or nominee with the occupation certificate documentation.

E.5. Electrical Certification

Prior to the issue of any occupation certificate, certification prepared and signed by an appropriately qualified electrician shall be submitted to the Principal Certifier. The certificate shall indicate that all electrical works have been installed by a qualified and licensed electrician and installed in accordance with the relevant Australian Standards.

E.6. Rehabilitation

Prior to the issue of any occupation certificate, any disturbed ground shall be rendered erosion resistant and rehabilitated in accordance with the approved documentation and these conditions of consent (including Condition D.17).

E.7. Geotechnical certification

The Applicant shall provide certification to the Principal Certifier prior to the issue of the occupation certificate verifying the works have been completed in accordance with the Geotech Form 4 and recommendations of the associated Geotechnical Site Investigation undertaken by Intrax Consulting Engineers Pty Ltd dated 15 June 2022 (Condition A.2 Item 5).

E.8. As built survey plan

Prior to the issue of any occupation certificate, an as built survey plan of the constructed development is to be furnished to the Principal Certifier and a copy to the Secretary or nominee.

PART F – POST OCCUPATION

F.1. Rehabilitation and environmental offsets

Up until the date 5 years after the issue of a final occupation certificate, all disturbed areas on and around the Subject site must be monitored and necessary action undertaken to ensure that:

- (a) the ground remains erosion resistant and groundcover is being established, with treatment of relevant weed species; and
- (b) all areas planted with native species (including sod replacement and seeding), are surviving.

F.2. Ongoing weed management

Ongoing weed management is required on the Subject site to ensure weed coverage does not increase in area or number.

PART G – OPERATIONAL MANAGEMENT

G.1. Signage

- (a) The Applicant shall ensure that appropriate signage warning of electromagnetic energy is erected in accordance with the requirements of *Industry Code C564:2020 Mobile Phone Base Station Deployment*.
- (b) The Applicant shall provide a permanent and legible weatherproof sign in the immediate proximity of the telecommunications facility that identifies the name and contact details of the operator of the telecommunications facility. The sign shall be publicly visible.

G.2. Access

The Applicant shall ensure that access to the telecommunications facility is controlled in accordance with the requirements of *Industry Code C564:2020 Mobile Phone Base Station Deployment*.

G.3. Electromagnetic Radiation

At all times, any electromagnetic radiation and/or radiofrequency radiation emitting from any equipment within or on the building, cumulatively shall not exceed the limits stipulated in the current and relevant legislation, standards and codes. As of the date of this consent, the current and relevant standards and codes include (but not limited to):

- (a) *Radiation Protection Standard – Maximum Exposure Levels to Radiofrequency Fields 3 kHz to 300 GHz* (2002); and
 - (b) *Radiocommunications (Electromagnetic Radiation – Human Exposure) Standard* (2003, and as amended in 2007).
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ADVISORY NOTES

AN.1 Appeals

The Applicant has the right to appeal to the Land and Environment Court in the manner set out in the *Environmental Planning and Assessment Act, 1979* and the *Environmental Planning and Assessment Regulation, 2000* (as amended).

AN.2 Responsibility for other consents / agreements

The Applicant is solely responsible for ensuring that all additional approvals, licenses, consents and agreements are obtained from other authorities, as relevant. No condition of this consent removes any obligation to obtain, renew or comply with such additional approvals, licenses, consents and agreements.

AN.3 Other approvals and permits

The Applicant must apply to the relevant authority for all necessary permits including crane permits, road opening permits, hoarding or scaffolding permits, footpath occupation permits and/or any other approvals under Section 68 (Approvals) of the *Local Government Act, 1993* or Section 138 of the *Roads Act, 1993*.

AN.4 Utility services

- (a) The Applicant must liaise with the relevant utility authorities for electricity, gas (if relevant), water, sewage, telecommunications on the Subject site:
 - (i) to locate all service infrastructure on the Subject site; and
 - (ii) negotiate relocation and/or adjustment of any infrastructure related to these services that will be affected by the construction of the Development.
- (b) The Applicant is responsible for costs associated with relocating any services.

AN.5 Dial before you dig

Underground assets may exist in the area that is the Subject site. In the interests of health and safety and in order to prevent damage to third party assets please contact the Dial Before You Dig service at www.1100.com.au or telephone on 1100 before excavating or erecting structures (this is the law in NSW).

If alterations are required to the configuration, size, form or design of the Development upon contacting the Dial Before You Dig service, an amendment to this consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities.

AN.6 Disability Discrimination Act

The Applicant has been assessed in accordance with the *Environmental Planning and Assessment Act, 1979*. No guarantee is given that the proposal complies with the *Disability Discrimination Act 1992* (Cth). The Applicant is responsible to ensure compliance with this and other anti-discrimination legislation. The *Disability Discrimination Act 1992* (Cth) covers disabilities not catered for in the minimum standards called up in the Building Code of Australia which references AS 1428.1 - *Design for Access and Mobility*. AS 1428 Parts 2, 3 and 4 provides the most comprehensive technical guidance under the *Disability Discrimination Act 1992* (Cth) currently available in Australia.