

Modification of Development Consent

Section 4.55(1A) of the *Environmental Planning & Assessment Act 1979*

As delegate of the Minister for Planning, I hereby modify the development consent referred to in Schedule 1, in the manner outlined in Schedule 2.



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

Jindabyne

14 February 2023

SCHEDULE 1

Application No.:	MOD 22/15219 (DA No. 9954 MOD 1)
Applicant:	Perisher Blue Pty Ltd
Consent Authority:	Minister for Planning
Land:	Toppa's Dream, Blue Cow, Perisher Range Alpine Resort, Kosciuszko National Park
Type of Development:	General Development
Approved Development:	Works including: <ul style="list-style-type: none">• removal of the existing ski hut• installation of a permanent judging structure (two shipping containers)• associated rehabilitation works
Modification:	Amendment to the approved judging structure design

Schedule 2 of Development Application No. 9954 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struck out~~ words as follows

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) DA No. DA 9954 submitted by Perisher Blue Pty Ltd on 16 April 2019
- (b) supporting documentation submitted with the application (DA 9954)
- (a) additional information submitted by Dabyne Planning Pty Ltd on 27 June 2019
- (b) **Section 4.55(1A) Modification Application (MOD 22/15219) submitted by the Applicant on 1 December 2022**
- (c) the conditions of this consent

including, but not limited to, the following:

Ref No.	Document	Title/Description	Author / Prepared by	Dated / Received	Document Reference
1	Statement of Environmental Effects (SEE)	Moguls Judging Structure, Toppa's Dream, Blue Cow, Perisher Ski Resort, Kosciuszko National Park	Dabyne Planning Pty Ltd	March 2019	62-18
2	Appendix B of SEE	Biodiversity Development Assessment Report Toppa's Dream Moguls Judging Tower, Perisher Ski Resort	Eco Logical Australia Pty Ltd	13 March 2019	18HNG 12065 Version 1
3	Appendix C of SEE	Site Environmental Management Plan (SEMP)	Dabyne Planning Pty Ltd	-	-
4	Form 4	Geotechnical Policy - Kosciuszko Alpine Resorts Form 4 – Minimal Impact Certification	JK Geotechnics	26 June 2019	-
5	Geotechnical Assessment	Proposed Toppa's Dream Judging Tower, Blue Cow, Perisher Ski Resort, NSW	JK Geotechnics	24 June 2019	31926RHrpt Rev 1

6	Plan	Site Location Plan	Grounded Structural Engineers and Drafting Services	15 November 2018	A01 Revision A
7	Plan	Site Plan	Grounded Structural Engineers and Drafting Services	15 November 2018	A02 Revision A
8	Plan	Floor Plan	Grounded Structural Engineers and Drafting Services	15 November 2018	A03 Revision A
9	Plan	South and West Elevations	Grounded Structural Engineers and Drafting Services	15 November 2018	A04 Revision A
10	Plan	North and East Elevations	Grounded Structural Engineers and Drafting Services	15 November 2018	S05 Revision A
11	Plan	Roof Plan	Grounded Structural Engineers and Drafting Services	15 November 2018	S06 Revision A
12	Plan	Foundation Plan	Grounded Structural Engineers and Drafting Services	12 March 2019	S01 Revision A
13	Plan	Steel Framing Plans	Grounded Structural Engineers and Drafting Services	2 May 2019	S02 Revision A
14	Plan	Roof Deck Framing	Grounded Structural Engineers and Drafting Services	10 June 2019	S03 Revision A
<u>15</u>	<u>Report</u>	<u>Modification Application Supporting Report</u>	<u>Perisher Blue Pty Ltd</u>	<u>5 November 2023</u>	<u>Revision A</u>
<u>16</u>	<u>Report</u>	<u>Geotechnical Review</u>	<u>JK Geotechnics</u>	<u>1 November 2023</u>	<u>31926RHlet</u>

<u>17</u>	<u>Letter</u>	<u>Design Check</u> <u>Certificate of Structural</u> <u>Sufficiency</u>	<u>COOT</u> <u>Consulting</u> <u>Engineers Pty</u> <u>Ltd</u>	<u>6 May 2022</u>	<u>2022-0143</u>
<u>18</u>	<u>Plan</u>	<u>Front Isometric View</u>	<u>COOT</u> <u>Consulting</u> <u>Engineers Pty</u> <u>Ltd</u>	<u>6 May 2022</u>	<u>S01C</u>
<u>19</u>	<u>Plan</u>	<u>Rear Isometric View</u>	<u>COOT</u> <u>Consulting</u> <u>Engineers Pty</u> <u>Ltd</u>	<u>6 May 2022</u>	<u>S02C</u>
<u>20</u>	<u>Plan</u>	<u>Details 1 / 3</u>	<u>COOT</u> <u>Consulting</u> <u>Engineers Pty</u> <u>Ltd</u>	<u>6 May 2022</u>	<u>S03C</u>
<u>21</u>	<u>Plan</u>	<u>Stairs Plan View and</u> <u>Details 2 / 3</u>	<u>COOT</u> <u>Consulting</u> <u>Engineers Pty</u> <u>Ltd</u>	<u>21 May</u> <u>2020</u>	<u>S04B</u>
<u>22</u>	<u>Plan</u>	<u>Sections and Details 3 / 3</u>	<u>COOT</u> <u>Consulting</u> <u>Engineers Pty</u> <u>Ltd</u>	<u>21 May</u> <u>2020</u>	<u>S05B</u>
<u>23</u>	<u>Plan</u>	<u>Stairs and Landing</u> <u>Plan and Elevations</u>	<u>MADE</u> <u>Contracting</u>	<u>6 April</u> <u>2020</u>	<u>MD-ST-A01</u> <u>Revision A</u>
<u>24</u>	<u>Plan</u>	<u>Stairs and Landing</u> <u>3D View 1</u>	<u>MADE</u> <u>Contracting</u>	<u>6 April</u> <u>2020</u>	<u>MD-ST-A02</u> <u>Revision A</u>
<u>25</u>	<u>Plan</u>	<u>Stairs and Landing</u> <u>3D View 2</u>	<u>MADE</u> <u>Contracting</u>	<u>6 April</u> <u>2020</u>	<u>MD-ST-A03</u> <u>Revision A</u>
<u>26</u>	<u>Plan</u>	<u>3D View 1</u>	<u>MADE</u> <u>Contracting</u>	<u>13</u> <u>November</u> <u>2019</u>	<u>MD-TT-A01</u> <u>Revision H</u>
<u>27</u>	<u>Plan</u>	<u>3D View 2</u>	<u>MADE</u> <u>Contracting</u>	<u>13</u> <u>November</u> <u>2019</u>	<u>MD-TT-A02</u> <u>Revision H</u>
<u>28</u>	<u>Plan</u>	<u>3D View 3</u>	<u>MADE</u> <u>Contracting</u>	<u>13</u> <u>November</u> <u>2019</u>	<u>MD-TT-A03</u> <u>Revision H</u>
<u>29</u>	<u>Plan</u>	<u>Elevation</u>	<u>MADE</u> <u>Contracting</u>	<u>13</u> <u>November</u> <u>2019</u>	<u>MD-TT-A04</u> <u>Revision H</u>

<u>30</u>	<u>Plan</u>	<u>Section</u>	<u>MADE Contracting</u>	<u>13 November 2019</u>	<u>MD-TT-A05 Revision H</u>
<u>31</u>	<u>Plan</u>	<u>Plan Details</u>	<u>MADE Contracting</u>	<u>13 November 2019</u>	<u>MD-TT-A06 Revision H</u>
<u>32</u>	<u>Plan</u>	<u>Container Top 1</u>	<u>MADE Contracting</u>	<u>13 November 2019</u>	<u>MD-TT-A07 Revision H</u>
<u>33</u>	<u>Plan</u>	<u>Container Top 2 Section</u>	<u>MADE Contracting</u>	<u>13 November 2019</u>	<u>MD-TT-A08 Revision H</u>

A.3 Inconsistency between documents

If there is any inconsistency between the plans and documentation referred to above, the most recent document shall prevail to the extent of the inconsistency. However, conditions of this approval prevail to the extent of any inconsistency.

A.4 Lapsing of consent

This development consent will lapse five years from the date of consent, unless the building, engineering or construction work relating to the development is physically commenced on the land to which this consent applies before the date on which the consent would otherwise lapse.

A.5 Prescribed conditions

All works shall comply with the prescribed conditions of development consent as set out in Part 6, Division 8A of the Regulation. In particular, your attention is drawn to:

- (a) clause 98, Compliance with Building Code of Australia; and
- (b) clause 98A, Erection of signs during building and demolition works.

A.6 Australian standards

All works shall 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.

PART B – PRIOR TO THE ISSUE OF CONSTRUCTION CERTIFICATE

B.1 NSW Biodiversity Offset Scheme

Prior to the issue of a construction certificate, the class and number of ecosystem credits in Appendix D of the BDAR – BAM Credit Summary Report (reference 2 in Condition A.2) must be retired to offset the residual biodiversity impacts of the development.

The requirement to retire credits may be satisfied by payment into the applicable fund or trust, as per the *Biodiversity Conservation Act 2016*, of an amount equivalent to the class and number of ecosystem credits, as calculated by the Biodiversity Offsets Payment Calculator.

Evidence of the retirement of credits or payment to the Biodiversity Conservation Fund must be provided to the Secretary or nominee prior to the issue of the construction certificate.

B.2 Construction certificate

Work must not commence until a relevant construction certificate has been issued.

B.3 Building Code of Australia Compliance

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; or
 - (ii) is shown to be at least equivalent to the deemed to satisfy provision; or
 - (iii) a combination of a) and b).

B.4 Structural Details

Prior to the commencement of the relevant works, the Applicant shall submit to the certifying authority structural drawings prepared and signed by a suitably qualified practising structural engineer that demonstrates compliance with:

- (a) the relevant clauses of the BCA; and
- (b) the development consent.

B.5 Payment of the Long Service Levy

Prior to the issue of any construction certificate, evidence shall be provided to the certifying authority, 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*.

PART C – PRIOR TO THE COMMENCEMENT OF WORKS

C.1 Notification of commencement

The Department must be notified in writing of the dates of commencement of physical work and operation at least 48 hours before those dates.

If the construction or operation of the development is to be staged, the Department must be notified in writing at least 48 hours before the commencement of each stage, of the date of commencement and the development to be carried out in that stage.

C.2 Environmental Officer

- (a) Prior to the commencement of any works, an appropriately qualified environmental officer shall be appointed and both the PCA and the Secretary or nominee shall be notified of this person. The environmental officer is to have experience with construction and rehabilitation in alpine and sub-alpine areas.
- (b) In the event that the environmental officer needs replacing, the replacement is to be appropriately qualified and the PCA and Secretary must be notified of the replacement.

C.3 Protection of adjacent vegetation areas

The Applicant shall ensure that appropriate measures are in place to ensure that vehicles and machinery do not enter into areas of vegetation that are not part of the proposed development.

C.4 Implementation of site environmental management measures

- (a) Prior to any works commencing:
 - (i) all site environmental management measures relevant to that section of work, in accordance with the approved documentation and plans (Condition A.2) and these conditions of consent, shall be in place and in good working order;
 - (ii) all measures proposed in the BDAR (Condition A.2) to mitigate and manage impacts on biodiversity have been implemented; and
 - (iii) the site environmental management measures shall be inspected and approved by the environmental officer.
- (b) Prior to commencing, erosion and sediment control measures shall be put in place.

Details demonstrating compliance with this condition from the environmental officer is to be forwarded to the Secretary or nominee prior to commencement of works.

C.5 Machinery and storage

Machinery used during construction must be cleaned prior to site mobilisation, be regularly maintained and manoeuvred to prevent the spread of exotic vegetation. Storage of machinery and material is to be restricted to the designated disturbed areas (ski slopes) and must not be stored on native vegetation.

C.6 Detailed rehabilitation and monitoring plan

Prior to the commencement of works, a rehabilitation and monitoring plan shall:

- (a) be prepared by an appropriately qualified person in accordance with the Rehabilitation Guidelines for the Resorts Areas, Kosciuszko National Park (NPWS 2007);
- (b) include information on implementation, maintenance, monitoring and reporting on the rehabilitation areas;
- (c) provide initial establishment of rehabilitation, including all planting, mulching and stabilisation must commence as soon as possible and be conducted within the same construction season;

- (d) note that exotic grass species such as Chewings Fescue are not suitable for the rehabilitation of this area (only endemic native species shall be used);
- (e) advise that monitoring, maintenance and replacement planting must occur at least every 12 months with results recorded including photo points; and
- (f) be submitted to the Secretary or nominee.

C.7 Tree and rock removal

Any trees or above ground rocks proposed to be removed, or partly removed, shall be clearly marked/tagged, inspected and approved by the environmental officer prior to their removal, or partial removal. Rock removal should be avoided where possible.

C.8 Geotechnical recommendations

Prior to commencement of works, the Applicant is to demonstrate to the satisfaction of the PCA, with a copy provided to the Secretary or nominee, compliance with the recommendations within the Geotechnical Assessment undertaken by JK Geotechnics dated 24 June 2019.

C.9 Demolition

Demolition work must comply with *Australian Standard AS 2601-2001 The demolition of structures* (Standards Australia, 2001). The work plans required by AS 2601-2001 must be accompanied by a written statement from a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard. The work plans, and the statement of compliance must be submitted to the PCA before the commencement of works.

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

Prior to the commencement of construction works, the Applicant is to consult with the NPWS to determine any lease, licence or other authorisation that is required for the development under the *National Parks and Wildlife Act 1974*, and the appropriate lease, licence or authorisation must be obtained and in place.

C.11 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 shall be kept on site at all times and shall be readily available for perusal by any person associated with construction works, or an officer of the Department.

D.2 Construction hours

All work in connection with the proposed development shall be carried out between the hours of 7.00am and 6.00pm on Monday to Friday inclusive, and 7.00am and 1.00pm on Saturday, with no work allowed on Sunday or public holidays, or as otherwise approved by the Secretary.

D.3 Construction period

- (a) All construction activities are limited to the "summer" period. For this development this period means commencing after the October long weekend and ceases no later than 31 May or as otherwise approved by the Secretary or nominee.
- (b) By 31 May the Applicant shall ensure that the site is made safe and secure by undertaking the following:
 - (i) removal of all waste materials;
 - (ii) removal and/or securing of all stockpiles of soil and gravel;
 - (iii) demolition and construction materials are removed from around the building and are stored within the building or contained within designated areas;
 - (iv) 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;
 - (v) appropriate signage shall be erected outlining that unauthorised access to the site is prohibited and that the site is a construction zone;
 - (vi) any external scaffolding shall be dismantled and removed from the site;
 - (vii) all external plumbing and drainage works are to be completed;
 - (viii) all disturbed ground is stabilised and made erosion resistant;
 - (ix) any excavations are made safe and secure; and
 - (x) any other specific matters related to making the site safe and secure raised by the PCA or the Secretary or nominee.

D.4 Role of the environmental officer

The appointed environmental officer shall oversee all works to ensure:

- (a) compliance with all environmental protection measures in the approved documentation and plans (Condition A.2), these conditions of consent and the SEMP;
- (b) all site environmental management measures are in place and adequately functioning throughout the entire construction phase; and
- (c) that site stabilisation and rehabilitation occurs as soon as practicable.

D.5 Construction activities

- (a) At all times, construction activities shall be undertaken in accordance with the approved SEMP and the requirements of Condition C.4.
- (b) All construction activities shall be confined to within the construction zone.
- (c) No disturbance is permitted outside the construction zone unless otherwise agreed by the Secretary or nominee.

D.6 SafeWork NSW

All works shall be carried out in accordance with current SafeWork NSW guidelines.

D.7 Site notice

A site notice(s) shall be prominently displayed at the boundaries of the site for the purposes of informing the public of project details. The notice(s) is 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 works period;
- (b) the approved hours of work, the name of the principal contractor for the work (if any), and 24 hour contact phone number for any inquiries, including construction/noise complaint are to be displayed on the site notice;
- (c) the notice(s) is to be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the site is not permitted; and
- (d) the name, address and phone number of the PCA is to be identified on the site signage.

D.8 Storage of materials

The Applicant shall ensure that at all times during the construction period that no storage or disposal of materials shall take place beneath the canopy of any trees or on native heath vegetation.

All stockpiling is to be in accordance with the '*Soil Stockpile Guidelines for the Resort Areas of Kosciuszko National Park, October 2017*'.

D.9 Prohibition of hazardous materials

No hazardous or toxic materials or dangerous goods shall be stored or processed on the site at any time.

D.10 Noise and vibration management

Excavation and construction shall be managed in accordance with AS 2436 *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 period.

D.11 Litter and building waste

Building waste shall be minimised and shall be contained in receptacles so as not to escape by wind or water. These receptacles must only be located in previously disturbed areas and not beneath the canopy or over roots of any trees. The receptacle must be cleaned regularly.

D.12 Loading and unloading of construction vehicles

All loading and unloading associated with demolition and construction shall be restricted to those areas approved in the SEMP and conditions.

D.13 Aboriginal heritage

Should any material suspected of being an Aboriginal relic or artefact become unearthed in the course of works, all works impacting the objects or artefacts shall cease immediately. The Applicant must immediately contact the NPWS to arrange for representatives to inspect the site. All workers on the site are to be made aware of this condition.

D.14 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.15 Erosion and Sediment Control Measures

All erosion and sediment control measures must be checked regularly and maintained in good working order at all times. All exposed earth must be kept stabilised and re-vegetation must commence as soon as practicable. All straw bales used for sediment and erosion control must be certified as weed free.

D.16 Area of disturbance

The area of disturbance shall be kept to the minimum necessary and shall comply with the following:

- (a) all works associated with construction of the development shall be confined to the construction zone;
- (b) no encroachment or works are permitted outside of the construction zone unless associated with the environmental offset areas; and
- (c) all materials, stockpiles, vehicles, machinery and the like shall be confined to the approved construction zone.
unless otherwise approved by the Secretary or nominee.

Where the condition is not complied with, works are to cease and the matter rectified. No works shall recommence until written authorisation is obtained from the Secretary or nominee.

D.17 Protection of Native Vegetation

The Applicant shall ensure that appropriate measures are in place to ensure that vehicles, machinery or persons do not damage or remove any native vegetation that is not part of this consent. The damage or removal of any native vegetation that is not part of this consent may warrant further action to be undertaken in accordance with the *National Parks and Wildlife Act 1974* or the *Environmental Planning and Assessment Act 1979*.

D.18 Geotechnical requirements

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

- (a) the Department's Geotechnical Policy; and
- (b) the Geotechnical Assessment in undertaken by JK Geotechnics dated 24 June 2019.

Works at variance to recommendations contained in the geotechnical assessment report shall not be undertaken without prior approval from the geotechnical engineer. Written advice of the variation shall be provided to the Department within 48 hours.

D.19 Excavations and backfilling

- (a) All excavating and backfilling shall comply with the following:
 - (i) shall be executed in a safe manner and in accordance with appropriate professional standards;
 - (ii) where excavations are to be left open overnight, provision shall be made so that any fauna entering these excavations can escape;
 - (iii) any excess excavated material is to be moved off-site for storage or disposal;
 - (iv) adequate provision shall be made for drainage; and
 - (v) all excavations shall be properly guarded and protected to prevent them from being dangerous;
- (b) Any clean excavated material may be temporarily stockpiled at the site compound prior to its removal off-site.
- (c) Any clean excess fill shall be reused on site or disposed of at an authorised land fill site, and any contaminated spoil shall be disposed of at an authorised waste facility.
- (d) Imported fill material shall only be obtained from an NPWS recommended source.

D.20 Re-fuelling

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

D.21 Rehabilitation and site establishment

- (a) Site stabilisation and rehabilitation works shall commence, as soon as possible, following the completion of each section of work to minimise exposed areas. Disturbed areas shall be adequately mulched and maintained with weed free straw until an erosion resistant ground condition is achieved. All erosion prevention and sediment control measures shall remain in place until all exposed areas of soil are stabilised and/or revegetated.
- (b) Rehabilitation shall be undertaken in accordance with:
 - (i) the *Rehabilitation Guidelines for the Resorts Areas, Kosciuszko National Park (NPWS 2007)*;
 - (ii) the approved rehabilitation and monitoring plan; and
 - (iii) these conditions of consent.

D.22 Imported gravel or material

Imported gravel or material that is to be used is to be free from weeds or pathogens and in accordance with the '*Soil Stockpile Guidelines for the Resort Areas of Kosciuszko National Park, October 2017*'.

D.23 Stabilising agents

The use of soil stabilising agents is not permitted without prior consent of the Secretary or nominee in consultation with the NPWS.

D.24 Tree and rock removal

- (a) All vegetation and rocks required for removal must be clearly marked.
- (b) All vegetation removed must be cut into smaller pieces, stored and reused for thatching for rehabilitation. Any residual vegetation can either be placed in adjoining native vegetation (without damage) or be removed from the site completely.
- (c) All rock fragments removed during the works should be placed in the surrounding landscape without damaging existing native vegetation or removed from the site completely.
- (d) All vegetation must be checked for fauna habitats and fauna by the Environmental Officer immediately prior to clearing. If fauna is present, then the Applicant must contact NPWS to assist with mitigation actions.
- (e) All vegetation and rocks should not be removed in a manner which damages other surrounding vegetation.

D.25 Demolition

Demolition work must comply with *Australian Standard AS 2601-2001 The demolition of structures* (Standards Australia, 2001).

PART E – PRIOR TO COMMENCEMENT OF USE

E.1 Occupation certificate

Prior to the occupation of the building or the commencement of use, an occupation certificate must be obtained from the PCA. A copy of the occupation certificate must be furnished to the Secretary prior to the occupation of the building or commencement of the use.

E.2 Site Clean Up

Prior to commencement of use, the subject site shall be cleaned up to the satisfaction of the PCA.

E.3 Removal of site notice

Any site notices or other site information signs shall be removed upon completion of the site works and prior to the commencement of use.

E.4 Rehabilitation

- (a) Prior to the issue of any occupation certificate, the appointed environmental officer shall provide the PCA with a statement confirming:
 - (i) the initial rehabilitation has been undertaken in accordance with the approved documentation and these conditions of consent; and
 - (ii) the rehabilitation is considered satisfactory.
- (b) The PCA shall not issue an occupation certificate (interim or final) unless it is satisfied that all disturbed ground, including trenchlines, has been rendered erosion resistant and rehabilitated in accordance with the approved documentation and these conditions of consent.

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 PCA. 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 Geotechnical certification

The Applicant shall provide certification to the PCA prior to the issue of the final occupation certificate verifying the works have been completed in accordance with the Geotech Form 4 and recommendations of the associated geotech assessment report.

E.7 Progress report

- (a) On 1 June each year, until a final occupation certificate has been issued for the development, the appointed environmental officer shall submit to the Department a progress report for the detailed rehabilitation and monitoring plan (Condition C.6).
- (b) The progress report shall outline for all rehabilitation and monitoring works:
 - (i) whether the works have been commenced, in progress, or completed;
 - (ii) if completed, whether they comply with the detailed rehabilitation and monitoring plan;
 - (iii) if not completed, the expected timeframe for commencement and completion; and
 - (iv) if in progress or completed, what monitoring and maintenance is being undertaken.
- (c) If the Secretary or nominee gives directions to the Applicant to take further action in respect of rehabilitation and monitoring as a result of a progress report (or failure to submit one), these directions must be complied with.

E.8 Fire safety certificate

Prior to the issue of any occupation certificate, a fire safety certificate conforming to the Regulations shall be submitted to and be to the satisfaction of the PCA. A copy of the fire safety certificate shall be submitted to the Department with the copy of the occupation certificate.

E.9 Structural certification

A structural engineer's certificate shall be submitted to the PCA prior to issue of any occupation certificate. This certificate is to verify that structural works 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 with the Occupation Certificate documentation.

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

Prior to the issue of a final occupation certificate, a survey plan in a registrable form shall be provided to the NPWS. Details demonstrating compliance shall be submitted to the PCA, with a copy provided to Department with the occupation certificate.

PART F – POST OCCUPATION

F.1 Rehabilitation

Up until the date 5 years after the issue of a final occupation certificate, all disturbed areas shall be monitored and maintained to ensure that:

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

F.2 Annual fire safety statement

An annual fire safety statement conforming to the Regulations shall be provided to the Department and the NSW Fire Brigade every 12 months commencing within 12 months after the date on which the Department received the initial Fire Safety Certificate.

F.3 Stormwater runoff

All stormwater run off from the approved development shall be managed to prevent erosion and/or damage to the surrounding vegetation.

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 consents and agreements are obtained from other authorities, as relevant.

AN.3 Utility services

- (a) The Applicant shall liaise with the relevant utility authorities for electricity, gas (if relevant), water, sewage, telecommunications, and the fire hydrant on the subject site:
 - (i) to locate all service infrastructure on the subject site;
 - (ii) arrange connection to these services for the development where relevant; and
 - (iii) 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 and/or the lessee are responsible for costs associated with relocating any services.

AN.4 Temporary fencing

Prior to works commencing, the construction works area shall be fenced with temporary fencing in accordance with current SafeWork NSW guidelines. 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.
