



Department of Planning
Housing and Infrastructure

Issued under the Environmental Planning and Assessment Act 1979

Approved Section 4.55 (1A) Modification Application

No 24/6689 (MOD 1) granted on the 16 August 2024

In respect to DA 10640

Signed V Di Bono

Sheet No 12 of 20



Statement of Environmental effect S.4.55 MODIFICATION REPORT

**S.4.55 MOD TO DA 10670
SMIGGINS HOTEL, SMIGGIN HOLES
KOSCIUSZKO NATIONAL PARK**

NOVEMBER 2023

Project: 06-20

Dabyne Planning Pty Ltd

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S.4.55 MODIFICATION REPORT

S.4.55 MOD TO DA 10670 SMIGGINS HOTEL, SMIGGIN HOLES KOSCIUSZKO NATIONAL PARK

This report has been prepared by:

A handwritten signature in black ink, appearing to read 'I. Pasalich', is positioned above a horizontal line.

Ivan Pasalich
Principal
Dabyne Planning Pty Ltd

NOVEMBER 2023

Project: 06-20

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1. Introduction

Dabyne Planning Pty Ltd has been engaged by the Applicant to prepare a simple S.4.55 Modification report in relation to modifying the development consent for DA 10670 for Additions and Alterations at the Smiggins Hotel, Smiggin Holes. The modification relates to changing the access ramp entry into the Hotel.

2. Background

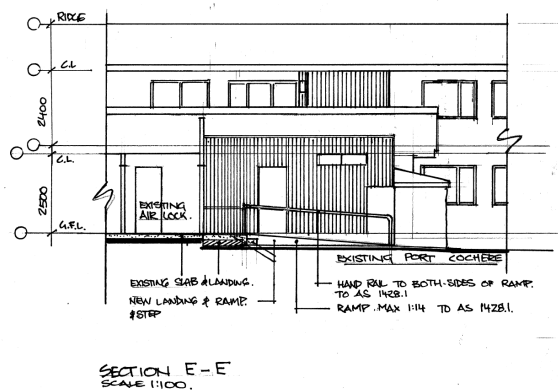
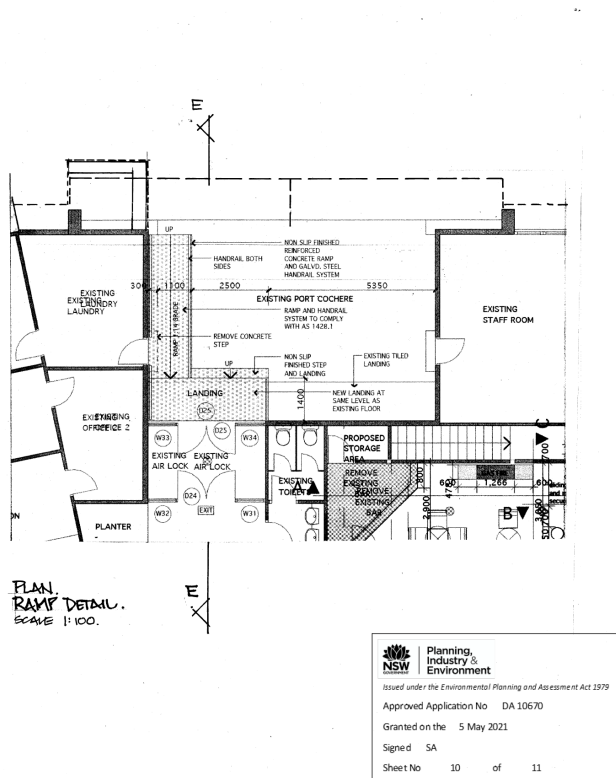
The DA was granted consent on the 5 May 2021.

As part of the Construction Certificate being issued, it was identified by the Certifier that the ramp approved did not comply with the BCA and also Condition B.4.

Due to the timing and construction delay, the ramp was not constructed as part of the initial construction work under DA 10670.

The ramp has been subject to a BCA assessment and the plans have been modified accordingly.

An extract of the approved ramp is provided below.



AMENDMENT 24/3/21.

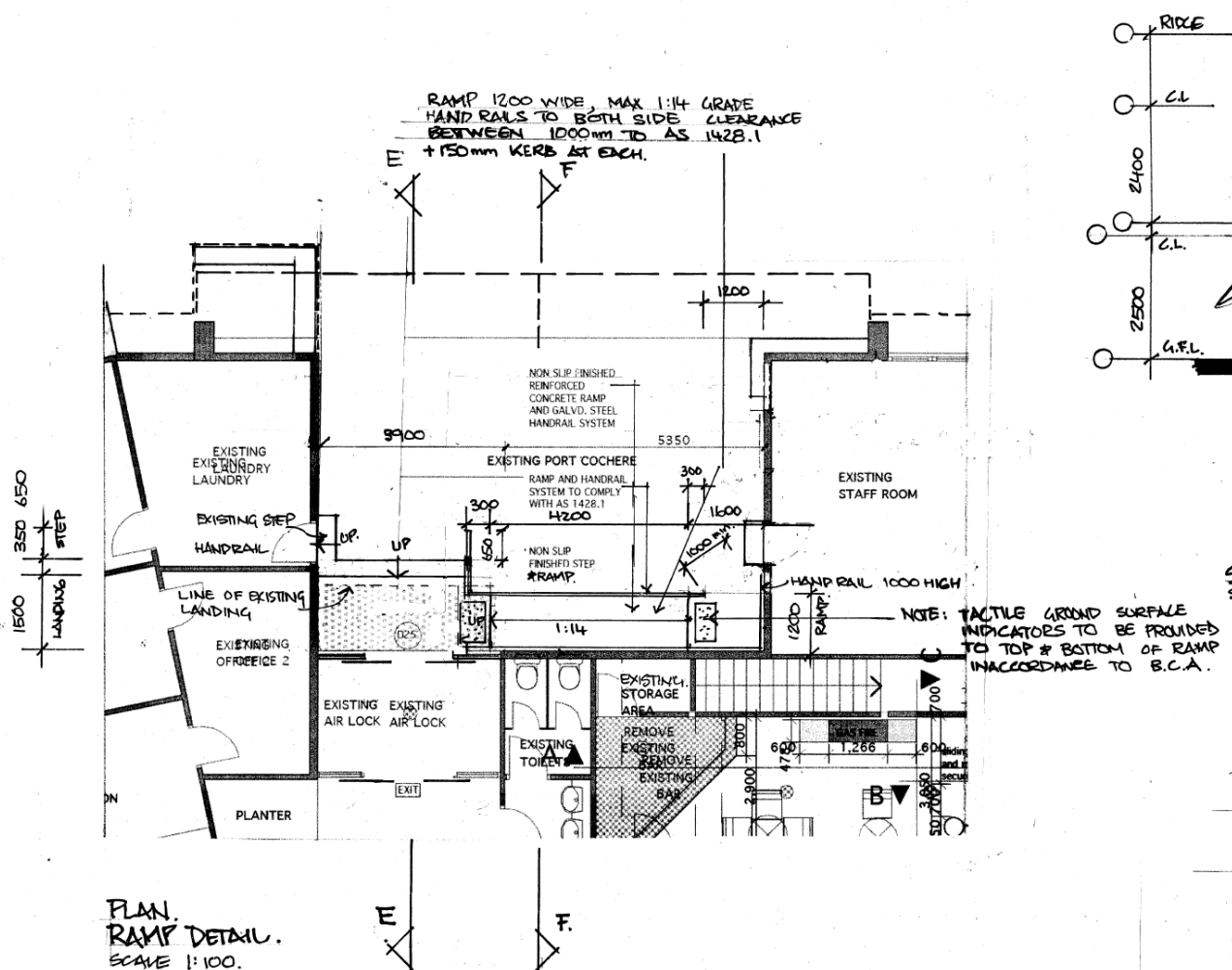
PROPOSED ALTERATIONS & ADDITIONS TO SMIGGINS HOTEL,
SMIGGIN HOLES
FOR BELINDA SHORE
ALLAN McFARLAND DESIGNS 0417 421 298
SCALE 1:100 1:200 DATE 12/20 SHEET 9/9

3. Amended Design

The ramp has been amended in design to achieve compliance with the BCA, as outlined in the BCA Statement provided separately.

The amended ramp is located within the existing port cochere, heavily disturbed land at the entrance to the hotel.

An extract of the amended floor plan is provided below.



4. Proposed Modification to Conditions

The following conditions are sought to be revised as follows:

A.2 Development in accordance with approved documentation and plans

Request: Amend Condition.

Comment: The revised plans uploaded into the Planning Portal are to replace the approved plans listed under A.2.

5. ASSESSMENT

Assessment under S.4.55(1A) of the EP&A Act, 1979

Section 4.55(1A) of the Environmental Planning & Assessment Act 1979 relates to modifications involving minimal environmental impact as addressed below.

A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:

(a) it is satisfied that the proposed modification is of minimal environmental impact, and

Comment:

The proposed modifications seek to revise the design of the ramp at the entrance to the hotel, within a heavily disturbed area.

The proposed modifications will ensure that the ramp can achieve compliance with the BCA and is of minimal environmental impact.

(b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and

Comment:

The proposed modifications seek to revise the design and layout of the access ramp.

The modified development remains the same and is therefore considered substantially the same development.

(c) it has notified the application in accordance with:

(i) the regulations, if the regulations so require, or

(ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and

(d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.

Comment: Not applicable.

Subsections (1), (2) and (5) do not apply to such a modification.

Noted.