**MODIFICATION APPLICATION TO DA 22/7811**

**COMMENTS ON LEGISLATION**

***Name of applicant:***

Lisa Schweitzer

13 Plum Pine Rd

Smiggin Holes NSW 2627

***Address and folio identifier:***

Altitude – The Lodge Smiggins

13 Plum Pine Rd

Smiggin Holes NSW 2627

Lot 1 DP 1195

***Development Description:***

External alterations to an existing tourist accommodation building and ground works as outlined in Condition A.2: Replacing and slightly enlarging the main west facing deck; installing fire stairs off the deck; replacing the NW corner windows with double glazed, supporting wall and new double glazed fire door; recladding entire building with Colorbond; new double parking space

***Modification Description:***

A structural engineer was engaged to inspect the fire exit stair at the north end of the lodge and exit platform/ ramp at the rear of the lodge, out of due diligence as these structures had not been inspected previously. The result of his inspection was that these are no longer sound or compliant, therefore they need replacing. This was also the recommendation in James Alexander’s BCA and Fire Upgrade Strategy report (he specifically noted the rear ramp). Both structures will be constructed of steel.

***Modification Intention:***

The intention of the modification is in part due to upgrading the two exit structures so that they are compliant and structurally sound. Also in part, due to the removal of the current horizontal timber rails for increased bushfire protection.

***Expected impacts of the Modification:***

It is expected that there will be no negative impacts from this modification as both structures are to be upgraded with similar current design.

* *Environment* – the footings will be located in the same place as current on already disturbed land
* *Bushfire* – as both structures will be constructed in steel, removing existing timbers, this is an improvement for bushfire protection.
  + Therefore, bushfire considerations will not change, addressing the Bushfire Safety Authority issued by the RFS.

**PROPOSED MODIFICATIONS**

The following changes are proposed:

* *Northern fire exit stair* – full replacement and compliant upgrade of the current wood/ steel mix structure with full steel and same existing design
* *Rear exit ramp* – full replacement and compliant upgrade of the current wood/ steel mix structure with full steel and the ramp section to be changed to stairs

The proposed modifications require the following changes to the Notice of Determination:

*Amend condition A.2:*

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

The development shall be in accordance with the:

(a) Development Application No. DA 22/7811 and supporting documentation lodged on 17 June 2022, as amended by the additional information received during the assessment of the application;

(b) conditions of this consent; and

(c) approved documents in the table extract below (except where modified by conditions of this consent):

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Ref No.** | **Document** | **Title/Description** | **Author/ Prepared by** | **Dated / Received** | **Document Reference** |
| 7 | Plan | Cover Sheet | MM | 16 JUL 2021 | A00 |
| 8 | Plan | Site Plan | MM | 16 JUL 2021 | A01 |
| 9 | Plan | Ground Floor Plan | MM | 16 JUL 2021 | A02 |
| 10 | Plan | First Floor Plan | MM | 16 JUL 2021 | A03 |
| 11 | Plan | Elevations South and West | MM | 16 JUL 2021 | A04 |
| 12 | Plan | Elevations North and East | MM | 16 JUL 2021 | A05 |
| 13 | Plan | Roof Plan | MM | 16 JUL 2021 | A06 |
|  | Plan | Deck Plan | MM | 16 JUL 2021 | A07 |
|  | Plan | North West Detail | MM | 16 JUL 2021 | A08 |
|  | Plan | North East Detail | MM | 16 JUL 2021 | A09 |
|  | Plan | South East Detail | MM | 16 JUL 2021 | A10 |
|  | Plan | South West Detail | MM | 16 JUL 2021 | A11 |
|  | Plan | Fire Stair Detail 1 (Northern Fire Exit Stair) | MM | **24 AUG 2024** | A12 |
|  | Plan | Fire Stair Detail 2 (Rear Exit Ramp) | MM | **24 AUG 2024** | A13 |
|  | Report | Geotechnical Investigation | Aitken Rowe Geotechnical Engineering | **23 OCT 2024** | S24-315 |
|  | Report | Structural Drawing List | Practical Engineering Solutions | **10 NOV 2024** | 2021030A |

*Amend condition B.3:*

Amend condition B.3 to reference new 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.

*Amend condition B.16:*

Amend condition B.16 to reference the replacement of the two exit structures:

B.16 Materials and finishes

The approved materials and finishes shall be in accordance with the following:

|  |  |  |
| --- | --- | --- |
| **Location** | **Material** | **Colour** |
| North fire exit stair | Steel | Balustrade “Dune”; stair and support bare silver steel |
| Rear exit ramp | Steel | Balustrade “Dune”; Stair and support bare silver steel |

**SCOPE OF THE MODIFICATIONS**

Section 4.55(1A) of the EP&A Act provides that a consent authority may, on an 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 Environmental Planning and Assessment Regulations 2021 (EP&A Regulations), modify a consent if the following requirements in Table 1 are met:

|  |  |
| --- | --- |
| **Section 4.55(1A) - Evaluation** | **Comment** |
| a) That the proposed modification is of minimal environmental impact |  |
| b) 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) | The development to which consent was originally granted was for ‘external alterations to an existing tourist accommodation building and ground works as outlined in Condition A.2’. The modifications are consistent with this description being the upgrade of the two exit structures from wood/ steel mix to all steel. There are no changes to the building footprint or building envelope. |
| c) The application has been notified in accordance with the regulations | The consent authority will notify the modification in accordance with its Community Participation Plan (CPP), November 2019. |
| d) Consideration of any submissions made concerning the proposed | Any submissions will be considered by the consent authority. |