

# Modification of Development Consent

Section 4.55(1) 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.



Erin Murphy  
Team Leader, Alpine Resorts  
Regional Assessments  
Department of Planning Housing and Infrastructure

Jindabyne

11 June 2025

## SCHEDULE 1

<b>Application No.:</b>	MOD 25/7756 (DA 24/15287 MOD 1)
<b>Applicant:</b>	Gunuma Lodge Incorporated
<b>Consent Authority:</b>	Minister for Planning
<b>Land:</b>	Gunuma Lodge (Lot 24 DP756697) Smiggins Holes, Perisher Range Alpine Resort, Kosciuszko National Park
<b>Type of Development:</b>	General Development
<b>Approved Development:</b>	Removal of and replacement of existing windows and doors within an existing tourist accommodation building, outlined in Condition A.2
<b>Modification:</b>	<b><u>Amendment to Condition B5 to update the reference to the building upgrade report to be used to inform the proposed fire safety schedule.</u></b>

Schedule 1 of Development Application No. 24/15287 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struck-out~~ words as follows

## DEFINITIONS

<b>Act</b>	means the <i>Environmental Planning and Assessment Act, 1979</i> (as amended).
<b>Applicant</b>	means Gunuma Lodge Incorporated or any person carrying out any development to which this consent applies.
<b>Approval Body</b>	has the same meaning as within Division 4.8 of Part 4 of the Act.
<b>DA No 24/15287</b>	means the development application lodged by the Applicant on 24 October 2024
<b>Department</b>	means the Department of Planning, Housing and Infrastructure, or its successors.
<b>Development</b>	means the development approved pursuant to this consent, as defined in Condition A.2 and as modified by the conditions of this consent.
<b>Director</b>	means the Director of Regional Assessments or a delegate of the Director of within the Department.
<b>EEC</b>	endangered ecological communities, as listed for the purposes of the <i>Biodiversity Conservation Act 2016</i> .
<b>EP&amp;A (DCFS) Regulation</b>	means the <i>Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation, 2021</i> (as amended).
<b>Geotechnical Policy</b>	means the Department's Geotechnical Policy – Kosciuszko Alpine Resorts a copy of which is available at: <a href="https://www.planning.nsw.gov.au/-/media/Files/DPE/Plans-and-policies/geotechnical-policy-kosciuszko-alpine-resorts-2003-11.pdf">https://www.planning.nsw.gov.au/-/media/Files/DPE/Plans-and-policies/geotechnical-policy-kosciuszko-alpine-resorts-2003-11.pdf</a>
<b>Minister</b>	means the Minister for Planning, or nominee.
<b><u>MOD 25/7756</u></b>	<b><u>means the modification application lodged by the Applicant on 23 May 2025 to modify DA 24/15287 (also known as DA 24/15287 MOD 1)</u></b>
<b>NPWS</b>	means the National Parks and Wildlife Service, or its successors.
<b>Non-compliance</b>	means an occurrence, set of circumstances or development that is a breach of this consent.
<b>Park</b>	means the Kosciuszko National Park reserved under the <i>National Parks and Wildlife Act 1974</i> .
<b>Precincts-Regional SEPP</b>	means the <i>State Environmental Planning Policy (Precincts - Regional) 2021</i> (as amended).
<b>Principal Certifier</b>	means the principal certifier and has the same meaning as Part 6 of the Act.
<b>Rehabilitation Guide</b>	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: <a href="https://www.environment.nsw.gov.au/research-andpublications/publications-search/rehabilitation-guidelines-for-theresort-areas-of-kosciuszko-national-park">https://www.environment.nsw.gov.au/research-andpublications/publications-search/rehabilitation-guidelines-for-theresort-areas-of-kosciuszko-national-park</a>
<b>RFS</b>	means the NSW Rural Fire Service, or its successors.
<b>Secretary</b>	means the Secretary of the Department, or nominee/delegate.
<b>Secretary's approval, agreement or satisfaction</b>	means a written approval from the Secretary or nominee/delegate.

<b>Stockpile Guide</b>	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.
<b>Subject site</b>	means that area of the Smiggins Holes, Perisher Range Alpine Resort within the Park described in the documentation listed in Condition A.2.
<b>Team Leader</b>	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 of Development Application No. 24/15287 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) Development Application No. DA 24/15287 and supporting documentation first lodged on 24 October 2024;
- (b) additional information received during the assessment of the application;
- (c) **Section 4.55(1) Modification Application lodged by the Applicant on 23 May 2025;**
- (d) conditions of this consent; and
- (e) approved documents in the table below (except where modified by conditions of this consent):

Ref No.	Document	Title/Description	Author / Prepared by	Date	Document Reference
1	Report	Statement of Environmental Effects Project: External Alterations to the Existing Gunuma Lodge Building – window replacement 8 Plum Pine Road, Smiggin Holes	Habitat Planning	October 2024	-
2	Report	Site Environmental Management Plan	Habitat Planning	January 2025	-
3	Report	Bushfire Assessment Report	EMBER Bushire Consulting	25 September 2024	-
4	Plan	Cover Page	Gunuma Lodge	30 June 2022	A00.1
5	Plan	Locality & Site Analysis Plan	Gunuma Lodge	30 June 2022	A01.1
6	Plan	Ground Floor Plan	Gunuma Lodge	7 February 2024	DA.01
7	Plan	First Floor Plan	Gunuma Lodge	7 February 2024	DA.02

8	Plan	North West Elevation / South West Elevation	Gunuma Lodge	7 February 2024	DA.03
9	Plan	North East Elevation / North West Elevation	Gunuma Lodge	7 February 2024	DA.04
10	Plan	Window Schedule	Gunuma Lodge	7 February 2024	DA.05
11	Plan	Window Schedule	Gunuma Lodge	7 February 2024	DA.06
12	Bushfire Safety Authority	BUSH FIRE SAFETY AUTHORITY  SFPP – Other Tourist Accommodation  GUNUMA LODGE 8 PLUM PINE RD SMIGGIN HOLES NSW 2624, 24//DP756697	NSW Rural Fire Service	5 December 2024	DA2024102 3004405- Original-1
13	General Terms of Approval	Integrated Development Application s100B – SFPP – Other Tourist Accommodation GUNUMA LODGE 8 PLUM PINE RD SMIGGIN HOLES NSW 2624, 24//DP756697	NSW Rural Fire Service	5 December 2024	DA2024102 3004405- Original-1
<b>14</b>	<b><u>Report</u></b>	<b><u>Section 4.55(1) – Application to Modify Development Consent DA No. 24/15287 Removal of and replacement of existing windows and doors within an existing tourist accommodation building, outlined in Condition A.2  Gunuma Lodge (Lot 24 DP756697) Smiggin Holes, Perisher Range Alpine Resort, Kosciuszko National Park.</u></b>	<b><u>Habitat Planning</u></b>	<b><u>20 May 2025</u></b>	-

Note: In accordance with section 24(3)(a) of the EP&A Regulation, a Development Application is lodged on the day on which the fees payable for the Development Application under this EP&A 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](mailto:compliance@planning.nsw.gov.au) and [alpineresorts@planning.nsw.gov.au](mailto: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](mailto:compliance@planning.nsw.gov.au) and [alpineresorts@planning.nsw.gov.au](mailto: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.

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## **PART B – PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE**

### **B.1. Construction certificate**

Building and demolition 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. Building Code of Australia**

Detailed plans, specifications and supporting information is required to be submitted to the certifying authority detailing how the proposed building work achieves compliance with the *National Construction Code - Building Code of Australia*. All building work must be carried out in accordance with the requirements of the *National Construction Code - Building Code of Australia*.

### **B.3. Building works plans and specifications**

Appropriate building work plans and specifications are required to be submitted to the certifier to form part of the development, including 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:
  - (v) describe the construction and the materials to be used to construct the building; and
  - (vi) state whether the materials to be used are new or second-hand and contain details of any second-hand materials to be used; and
  - (vii) glazing details and whether child restrictors are required to be installed to restrict window openings.
- (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
  - (viii) a copy of a compliance certificate to be relied on; and
  - (ix) if the development involves building work to alter, expand or rebuild an existing building—a scaled plan of the existing building.

### **B.4. Payment of 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 Construction Industry Payments Act 1986*.

### **B.5. Existing and proposed fire safety measures – fire safety schedule**

Prior to the issue of the construction certificate, the Applicant shall provide to the certifier:

- (a) a list of any existing fire safety measures provided in relation to the land or any existing building on the land, and

- (b) a list of the proposed fire safety measures to be provided in relation to the land and any building on the land as a consequence of the building work.

~~Note: An accurate fire safety schedule shall be issued with the construction certificate that includes reference to the previous building upgrade report issued by Trevor Howse dated 10th October 1997 and that lists measures that are relevant to the building including their location.~~

**Note: An accurate fire safety schedule shall be issued with the construction certificate that includes reference to any relevant fire safety upgrade reports or performance solution reports and that reference fire safety measures relevant to the building, the standard of performance and their location.**

The fire safety schedule shall include reference to system monitoring for the connected fire alarm monitoring system.

## **B.6. Energy Efficiency**

All works shall comply with Section J of the BCA. Details indicating compliance with these requirements are to be submitted to the Certifier prior to the issue of a construction certificate.

## **B.7. 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.8. 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.9. Appointment of engineer – structural adequacy of existing structure**

An appropriately qualified practising Structural Engineer shall be engaged to carry out the inspection required by Condition D.15 and E.6. The name and contact details of the engineer shall be provided to the certifier prior to the issue of the construction certificate.

If the Department is not the certifier, the certifier is to provide a copy of the information to the Department with the copy of the construction certificate.

## **B.10. Materials and Finishes**

The approved materials and finishes shall be in accordance with the following, or as otherwise approved in writing by the Secretary or nominee.



Location	Material	Colour
Windows and doors	Double glazed aluminium windows with the same profile, dimension and finish of the existing window being replaced	Colorbond Dune or similar colour to match colour scheme

#### **B.11. Bush fire safety authority**

Prior to the issue of the relevant construction certificate, the Certifier must be satisfied that the documentation for the construction certificate demonstrates compliance with the General Terms of Approval (reference Item 13 in Condition A.2) and the Bush Fire Safety Authority (reference Item 12 in Condition A.2).

## **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. Erection of Construction Sign**

- (a) A sign must be erected at eye level in a prominent position on any site on which any approved work is being carried out:
  - (i) Showing the name, address and telephone number of the principal certifying authority for the work;
  - (ii) Showing the name of the principal contractor (if any) for any demolition or building work and a telephone number on which that person may be contacted outside working hours; and
  - (iii) Stating that unauthorised entry to the work site is prohibited.
- (b) The sign is to be maintained while the approved work is being carried out and must be removed when the work has been completed.
- (c) The sign shall be durable and weatherproof with minimum dimensions 841mm x 594mm with text minimum 30 point.

### **C.3. Demolition work**

To protect the surrounding environment, all demolition work must be carried out in accordance with *Australian Standard AS2601-2001 – The Demolition of Structures* and the following requirements

- (a) Demolition material must be disposed of to an authorised recycling and/or waste disposal site and/or in accordance with an approved waste management plan; and
- (b) Demolition works, where asbestos material is being removed, must be undertaken by a contractor that holds an appropriate licence issued by SafeWork NSW in accordance with the *Work Health and Safety Regulation 2017* and be appropriately transported and disposed of in accordance with the *Protection of the Environment Operations (Waste) Regulation 2014*; and
- (c) On construction sites where any building contain asbestos material, a standard commercially manufactured sign containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' and measuring not less than 400mm x 300mm must be displayed in a prominent position visible from the street.

### **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) and these conditions of consent, shall be in place and in good working order.

### **C.5. Machinery and storage**

- (a) All machinery and equipment must be stored on existing disturbed areas and must not be stored on native vegetation.
- (b) Vehicles and machinery must only be fuelled at designated hard stand fuelling stations or with spill kits and temporary bunding in place.

- (c) All equipment, machinery and vehicles used during construction of the Development must be cleaned prior to entry into the Park and prior to Subject site mobilisation to ensure they are free of mud and vegetative propagules.
- (d) Equipment, machinery and vehicles must be regularly maintained and manoeuvred to prevent the spread of exotic vegetation. Storage of equipment, machinery, vehicles and material is to be restricted to existing disturbed areas and not be stored on native vegetation.

#### **C.6. 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.7. 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.

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## **PART D – DURING CONSTRUCTION**

### **C.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; and
- (b) the approved documentation and plans (Condition A.2).

### **C.2. Construction work 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.

### **C.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 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) Excavation and construction works must cease by 30 April, with rehabilitation and stabilisation works able to continue until 31 May. These timeframes are able to be extended on an adhoc basis where weather and site conditions allow, e.g. where:
  - (i) Initial rehabilitation and stabilisation works can occur prior to snow accumulation; and
  - (ii) Development related machinery and equipment traffic will not disturb wet ground.
- (c) 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.

### **C.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) and (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.*

#### **C.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.

#### **C.6. Site notice**

The Applicant must ensure that site notices are prominently displayed at the boundaries of the Subject site in accordance with Condition C.1 for the duration of works.

#### **C.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.

#### **C.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.

#### **C.9. 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.4(b)) or ensure that it is sent to a recycling facility in order to reduce landfill.

#### **C.10. 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 and disposed of at an authorised waste disposal facility 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.

#### **C.11. Stockpiling of materials**

All stockpiling is to be in accordance with the *Soil Stockpile Guidelines for the Resort Areas of Kosciuszko National Park* (OEH, 2017), a copy of which can be provided by the NPWS Assessment Coordinator.

Proposed stockpile sites, including materials storage areas, parking and waste management receptors (e.g skip bins) and storage of soils and sods must not impact on native vegetation. Materials removed during construction must be stockpiled within the designated stockpile areas of cleared vegetation only.

#### **C.12. 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 A.2) and these conditions.

#### **C.13. 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.

#### **C.14. Scaffolding**

All scaffolding is to be located within the lot boundaries and shall comply with AS/NZS 1576 *Scaffolding* and AS/NZS 4576 *Guidelines for Scaffolding*.

#### **C.15. Inspection by engineer – structural adequacy of wall openings**

Prior to the installation of the new windows and doors, an appropriately qualified practising structural engineer shall carry out an inspection to determine the structural adequacy of the existing structure and its compliance with BCA Volume One performance requirement BP1.1.

If any deficiencies are identified during the inspection, the engineer shall provide upgrade recommendations. Any works associated with the upgrade recommendations shall be undertaken prior to the installation of the new windows and doors.

#### **C.16. 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) (b) The Applicant must ensure that all workers on the Subject site are made aware of the requirements of paragraph (a).
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## **PART E – PRIOR TO ISSUE OF OCCUPATION CERTIFICATE**

### **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. Environmental performance**

Prior to the issue of the relevant occupation certificate, details are to be provided to the Principal Certifier to demonstrate compliance with all requirements of Condition B.6. A copy of the documentation is to be submitted to the Secretary or nominee with the occupation certificate documentation.

### **E.5. Structural adequacy certificate (wall openings)**

Prior to the issue of any occupancy certificate, a certificate of structural adequacy (following inspection as required by Condition D.15) prepared by a suitably qualified professional engineer confirming the suitability of the building to meet BCA Volume One performance requirement BP1.1 shall be submitted to the Principal Certifier. A copy of the structural certificate shall be submitted to the Department with the copy of the occupation certificate.

### **E.6. Structural certification**

If structural works are undertaken, 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.7. Rehabilitation**

If ground disturbance occurs, prior to the issue of any occupation certificate, any disturbed ground shall be rendered erosion resistant and rehabilitated.

### **E.8. Bush fire safety authority**

Prior to the issue of the relevant occupation certificate, the Applicant must submit documentation to be Principal Certifier to demonstrate that the works have been undertaken in accordance with the relevant conditions of the General Terms of Approval (reference Item 13 in Condition A.2) and the Bush Fire Safety Authority (reference Item 12 in Condition A.2). A copy of the documentation is to be submitted to the Secretary or nominee with the occupation certificate documentation.

### **E.9. Final Fire Safety Certificate**

Prior to the issue of any occupation certificate, a final fire safety certificate shall be obtained and submitted to the satisfaction of the principal certifier. A copy of the final fire safety certificate shall be submitted to the Department along with a copy of the occupation certificate and occupation certificate documentation in accordance with the regulations.



## **PART F – PRIOR TO COMMENCEMENT OF USE**

### **F.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.

### **F.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.

### **F.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.

### **F.4. Final Fire Safety Certificate**

Prior to the issue of any occupation certificate, a final fire safety certificate shall be obtained and submitted to the satisfaction of the principal certifier. A copy of the final fire safety certificate shall be submitted to the Department along with a copy of the occupation certificate and occupation certificate documentation in accordance with the regulations.

### **F.5. Bushfire Emergency Management**

A Bush Fire Emergency Management and Evacuation Plan must be prepared in accordance with Table 6.8d of *Planning for Bush Fire Protection 2019* and be consistent with the following:

- (a) The NSW RFS document: *A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan* and include planning for the early relocation of occupants and;
  - (b) detailed plans of all emergency assembly areas, including on-site and off-site arrangements as stated in AS 3745 'Planning for emergencies in facilities', are clearly displayed.
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## **PART G – POST OCCUPATION AND OPERATIONAL REQUIREMENTS**

### **G.1 Annual fire safety statement**

An annual fire safety statement conforming to the Regulations must 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 for the Development.

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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, 2021* (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 Notification of significant fire safety issues**

Where an appointed certifier becomes aware of a significant fire safety issue during assessment of the construction certificate, the certifier will provide written notice to the Department describing the fire safety issue and the parts of the building affected by the issue within two days of being made aware.

### **AN.4 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*.