



Construction Assessment Procedures

Certification for new building and infrastructure works
within lands reserved or acquired under the
National Parks and Wildlife Act 1974

Revision November 2011

Disclaimer

The Office of Environment and Heritage (OEH) has prepared this document as a guide.

It is not intended to be exhaustive in meeting the requirements of the Building Code of Australia, relevant Australian Standards, Premises Standards or other technical or industry codes. It does not constitute legal or regulatory advice.

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Summary

This document details the requirements and processes for ensuring that building and infrastructure works, including alterations and additions, demolition and a change of building use, in the national parks system meet relevant requirements of the Building Code of Australia (BCA), the *Disability (Access to Premises – Buildings) Standards 2010* (Premises Standards) and Australian Standards. It replaces the *Construction Assessment and Approvals Procedure (2003)* and *Construction Assessment Procedures (2010)*.

These procedures should be used for projects undertaken by the Office of Environment and Heritage, Department of Premier and Cabinet (OEH) and other proponents. They apply to lands reserved or acquired under the *National Parks and Wildlife Act 1974*.

The basic requirements are summarised below.

- All new building work (including alterations and additions), new buildings, and changes of building use must comply with the BCA and the Premises Standards.
- Demolition works must comply with *AS 2601-2001 Demolition of structures*.
- All new infrastructure work (including alterations to existing assets) must be in accordance with relevant Australian Standards.
- Where works to an existing building or infrastructure asset are planned, consideration must be given to whether the existing building or asset should be brought into total or partial conformity with the BCA and Australian Standards.
- Access to publicly accessible premises must cater for people with a disability, unless non-compliance can be justified. Where new work that requires building or construction approval is planned, the new or modified part of the building must comply with the Premises Standards. It will also be necessary to provide an accessible path of travel from the principal public entrance to the new or modified part of the existing building.
- New building works to heritage buildings are subject to the BCA and the Premises Standards.
- All work, including new work and demolition, must be undertaken safely and minimise risks to the health and welfare of people in accordance with occupational health and safety requirements.
- Works over \$1,000,000 in value must be project-managed by agencies accredited by NSW Treasury unless OEH has appropriate in-house expertise and has obtained approval to undertake project management.
- Specialist expertise will usually be needed to provide certification documentation demonstrating compliance with the BCA, Premises Standards and Australian Standards.

Although the following works do not require certification under these procedures, they should be undertaken by OEH staff or external parties with relevant qualifications, expertise and experience to ensure they are safe and fit for the intended purpose and consistent with the relevant standards:

- routine maintenance and repairs
- minor internal and external alterations and refurbishment
- works undertaken in accordance with the *Park Facilities Manual*
- building or infrastructure works project-managed by an accredited agency where other processes apply
- infrastructure works less than \$200,000 and not considered high or extreme risk.

Quick guides

These quick guides provide information on whether building or infrastructure works require certification.

Figure 1 outlines whether works require certification.

Figure 2 summarises the process for works that require certification.

Detailed information for building and infrastructure works is provided in section 2.

Building work which requires certification

Building work which requires a New Works Certificate and Completed Works Certificate includes:

- new buildings and structures
- new works to existing buildings and structures (such as alterations and additions)
- change of building use
- demolition of a building (or part).

Where new works affect an existing building (not routine maintenance or minor alterations as detailed in section 1.5) then consideration must be given to whether the existing building or structure (in addition to the new works) should be brought into total or partial conformity with the BCA (section 2.2).

Building work which does not require certification

The following building work does not require a New Works Certificate or Completed Works Certificate, but should be undertaken by OEH staff or external parties with relevant qualifications, expertise and experience to ensure they are safe and fit for the intended purpose and consistent with the BCA and Premises Standards:

- maintenance and repairs to an existing building or structure (section 1.5)
- minor internal and external building alterations or refurbishment (section 1.5)
- works being undertaken using the process and standard designs in the *Park Facilities Manual* (section 2.3)
- works being project managed by an accredited agency where other processes apply (section 1.5).

Infrastructure work which requires certification

Infrastructure work requires a New Works Certificate and Completed Works Certificate if it meets the criteria listed below.

Type of work:

- new infrastructure (such as park facilities, roads, trails, viewing platforms, utility services)
- work on existing infrastructure (such as alterations or upgrades)
- demolition of existing infrastructure assets.

Criteria:

- works over \$200,000 in value
- works less than \$200,000 but considered high or extreme risk (Appendix B).

Where new works affect existing infrastructure (not being routine maintenance or minor alterations as detailed in section 1.5) then consideration must be given to whether the existing asset (in addition to the new works) should conform, either totally or partially, with relevant Australian Standards (and the BCA if it applies) (section 2.3).

Infrastructure work which does not require certification

The following infrastructure works do not require a New Works Certificate or Completed Works Certificate, but should be undertaken by OEH staff or external parties with relevant qualifications, expertise and experience to ensure they are safe and fit for the intended purpose and consistent with the relevant Australian Standards, and the BCA and Premises Standards (if they apply):

- maintenance and repairs to existing infrastructure (section 1.5)
- minor alterations or refurbishment (section 1.5)
- works being undertaken using the process and standard designs in the *Park Facilities Manual* (section 2.3)
- works being project managed by an accredited agency (other processes apply – section 1.5)
- works less than \$200,000 in value and not considered high or extreme risk (section 2.3 and Appendix B).

Figure 1: Does work need certification?

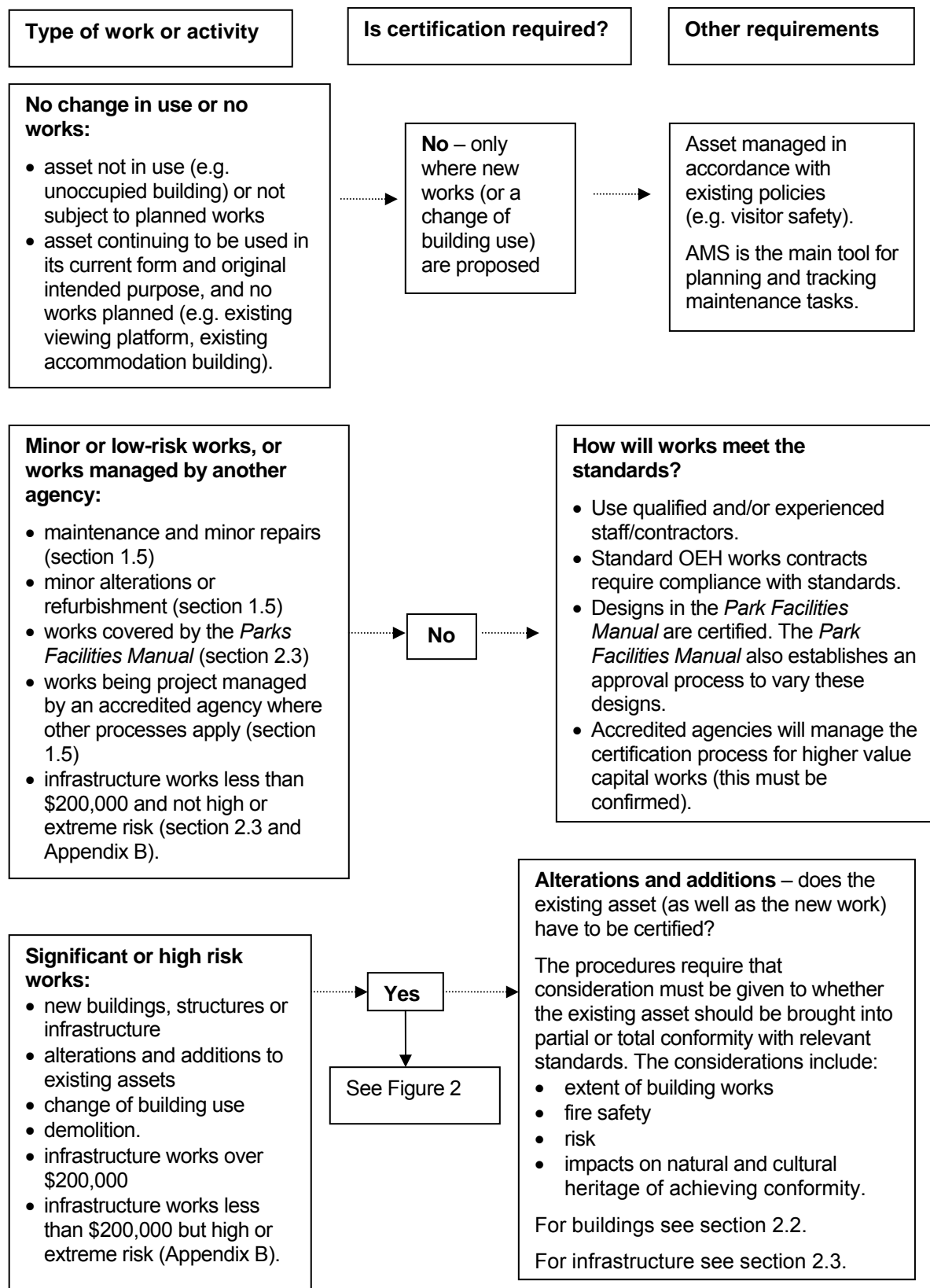
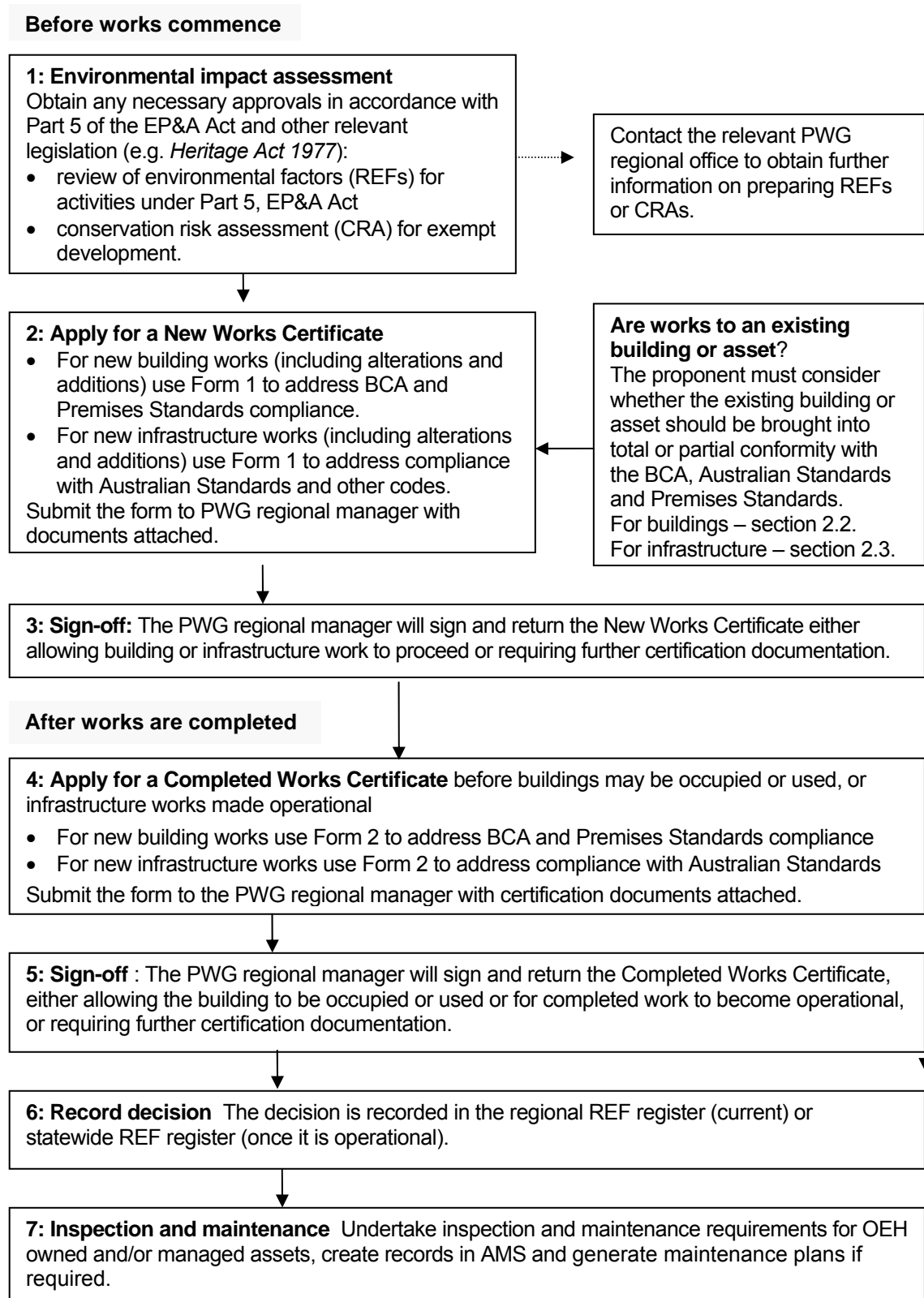


Figure 2: Summary of process for works requiring certification



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Abbreviations

AMS	asset maintenance system
AS 2601-2001	<i>AS 2601-2001 Demolition of structures</i>
BCA	Building Code of Australia
CRA	conservation risk assessment
DD Act	<i>Disability Discrimination Act 1992 (Commonwealth)</i>
DFS	Department of Finance and Services
DP&I	Department of Planning and Infrastructure
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
NPER	National Professional Engineers Register
NPW Act	<i>National Parks and Wildlife Act 1974</i>
OEH	Office of Environment and Heritage, Department of Premier and Cabinet
OH&S Act	<i>Occupational Health and Safety Act 2000 (NSW)</i>
OH&S Regulation	Occupational Health and Safety Regulation 2001
Premises Standards	<i>Disability (Access to Premises – Buildings) Standards 2010</i>
PWG	Parks and Wildlife Group (OEH)
REF	review of environmental factors

1 Introduction

1.1 Purpose

This document specifies the procedures that apply to all proposals to carry out new building or infrastructure work, including a change of building use or demolition, on land that is reserved or acquired under the *National Parks and Wildlife Act 1974* (NPW Act). The procedures apply to the Office of Environment and Heritage, Department of Premier and Cabinet (OEH) and any other public authority, as well as individuals or organisations who wish to carry out such work.

The objectives of these procedures are to ensure that:

- all new building work is carried out in accordance with the Building Code of Australia (BCA)
- all new infrastructure work is carried out in accordance with relevant Australian Standards and technical and industry codes
- all new buildings and infrastructure work is in compliance with the Commonwealth Government's *Disability (Access to Premises – Buildings) Standards 2010* (Premises Standards).
- all types of construction, including new work and demolition, are performed safely and with minimal risk, consistent with the *Occupational Health and Safety Act 2000* (OH&S Act) and the Occupational Health and Safety Regulation 2001 (OH&S Regulation)
- the process for certifying new building and infrastructure work to meet relevant standards is straightforward and simple, consistent with OEH risk management policy and procedures.

Implementation of the procedures will assist OEH in fulfilling its duty of care obligations for park visitors, staff and contractors. For external proponents it will also ensure that they have obtained any necessary approvals under the NPW Act or National Parks and Wildlife Regulation 2009 (NPW Regulation) for the work to proceed.

Examples of projects are provided in Appendix A.

1.2 Background

1.2.1 Building works

Key points

- Works in lands reserved under the NPW Act do not require council approval. However, such approval may be needed for works in lands that have been acquired but not yet reserved.
- New buildings, new building work (including alterations and additions) or a change of building use must comply with the BCA and Premises Standards.
- Demolition works must comply with *AS 2601-2001 Demolition of structures* and OH&S Act requirements.
- Where there are works to existing buildings or structures, both the new works and the existing building or structure will need to comply with the BCA and Premises Standards in certain circumstances (section 2.2).
- There is flexibility in how the requirements of the BCA are met, but alternative solutions usually require specialist advice.
- All works must comply with other statutory requirements, including the OH&S Act and OH&S Regulation.

Public authorities are generally exempt from the requirement to obtain approvals from local councils for building work. Refer, for example, to s.69 of the *Local Government Act 1993*, s.109M(2) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and s.163B of the NPW Act.

However, all public authorities, including OEH, are required by s.109R of the EP&A Act to ensure that Crown building work is not commenced unless it is certified to comply with the BCA.

Under the EP&A Act, Crown building work means development (other than exempt development) or an activity within the meaning of Part 5 of the EP&A Act by the Crown that comprises:

- the erection of a building
- the demolition of a building or work
- doing anything that is incidental to the erection of a building or the demolition of a building or work.

A building includes part of a building, and also includes any structure or part of a structure (including any temporary structure or part of a temporary structure). It does not include a manufactured home, moveable dwelling or associated structure or part of a manufactured home, moveable dwelling or associated structure.

The BCA and Premises Standards provide a set of measurable standards to be used in the design and construction of new building work. Different standards apply depending on the class of building involved (Appendix C).

The BCA is generally not applied retrospectively – it only applies to new buildings, new building work (including alterations and additions) and when there is a change of building use. Similarly, the Premises Standards are not applied retrospectively. They only apply to building work carried out after 1 May 2011.

In the case of an existing building undergoing alterations and additions, or where there is a change in building use that alters the BCA classification of a building, then the new

work and/or new use will need to meet BCA and Premises Standards requirements. This has particular implications for heritage building works and adaptive reuse proposals.

Although not specified in the BCA, there may also be occasions where it is considered prudent when dealing with alterations and additions for the whole of the existing building to be upgraded to comply with the BCA. These procedures adopt a risk-based approach to making this decision (section 2).

The BCA is a performance-based document that establishes mandatory requirements that must be complied with. Compliance may be achieved in either of two ways:

- 1 *Deemed-to-satisfy provisions* are provided by the BCA as detailed requirements, set out in a prescriptive manner; the provisions give certainty for proponents, as when satisfied the requirements of the BCA are deemed to have been met.
- 2 *Alternative solutions* may be used by a proponent to identify a building solution that is demonstrated to meet the performance requirements of the BCA; this method provides flexibility as the solution is not confined by prescriptive provisions. In most cases, alternative solutions need to be designed by relevant experts (such as fire safety engineers).

The BCA also adopts a number of documents by reference, including various Australian Standards and the Premises Standards for Class 2 -- Class 9 buildings (Appendix C). The BCA does not cover Premises Standards requirements for Class 1 buildings. For requirements relating to Class 1 buildings, the Premises Standards will need to be directly referred to.

The BCA does not comprehensively cover demolition. More specific guidance on demolition is provided in *AS 2601-2001* and the OH&S Act and OH&S Regulation, and these are the standards to be applied under these procedures.

The Premises Standards operate in the same way as the BCA in that they establish mandatory requirements that must be complied with, have deemed-to-satisfy provisions and flexibility to apply alternative solutions.

1.2.2 Infrastructure works

Key points

- New infrastructure work, including work to, or demolition of, an existing infrastructure asset, must comply with relevant Australian Standards and codes.
- A risk management approach has been applied to determine the level of assessment and certification required.
- Where works are proposed to an existing asset then both the new works and existing asset will need to comply with relevant standards in certain circumstances (see section 2.2).
- Where compliance with Australian Standards and other codes cannot be met, alternative design solutions proposed by appropriate technical specialists should be considered and documented.

As part of fulfilling its management responsibilities under the NPW Act, OEH undertakes a large and diverse range of infrastructure works which do not involve building work. These range from major national park assets, such as road and sewage infrastructure, to smaller scale park facilities such as walking tracks, picnic areas and viewing platforms. In addition, OEH considers and grants approvals to other agencies, infrastructure providers and external parties to undertake infrastructure works in reserves managed by OEH.

The implementation of infrastructure works is guided by a range of Australian Standards and, where applicable, the BCA, Premises Standards and related industry and technical codes. In most cases, Australian Standards and other codes are not legally binding. However, in some instances (such as *AS2601-2001*) they are referred to in legislation, with the effect that they are mandatory.

OEH has also adopted a number of policies that make reference to the application of Australian Standards. For example, facilities in the *Park Facilities Manual*, such as walking tracks, have been designed and certified to comply with the BCA and Australian Standards. OEH also has a manual which provides the required standards for road and trail construction and maintenance.

It is considered best practice and appropriate that OEH ensures that all new infrastructure work within lands reserved or acquired under the NPW Act meets relevant Australian Standards and other technical codes. This includes new car parks, roads, bridges and viewing platforms. Where works that involve a significant upgrade, addition or physical change (including demolition) to an existing facility or infrastructure are proposed, OEH will ensure that the new works comply with applicable Australian Standards, and will consider whether the existing asset should be brought into partial or total conformity with relevant standards.

Given the large and varied scale of infrastructure works undertaken by OEH, and considering the expertise and experience of OEH field-based staff, a risk-management approach is adopted in these procedures to guide the level of assessment and certification required. This is in accordance with the principle of prioritising significant risks, with other risks addressed as resources permit.

A framework for risk decision-making is included in Appendix B. Guidance on when to apply the framework is included in section 2.

It is also recognised that there may be occasions where it is not possible to comply with the relevant Australian Standard. In these instances an alternative approach that seeks to meet the intent of the Australian Standard should be identified. As with building works, alternative design solutions for infrastructure works should be determined on the basis of

expert advice. The procedures in section 2 include processes for alternatives to be considered and documented.

1.2.3 Disabled access

Key points

- Access to publicly accessible premises must cater for persons with a disability.
- The Premises Standards set out the requirements for disability access.
- The Premises Standards commenced 1 May 2011 and compliance will satisfy the Commonwealth's *Disability Discrimination Act 1992* (DD Act). These standards have been incorporated into the BCA for Class 2 – Class 9 buildings. For Class 1 buildings, the Premises Standards have not been incorporated into the BCA and should be referred to directly to ensure compliance with the DD Act.
- New building or infrastructure works, including most alterations or additions, must comply with the Premises Standards. Any decision to not comply with the Premises Standards due to 'unjustifiable hardship' must be well documented.
- When undertaking work to an existing building, in most circumstances it will be necessary to provide an accessible path of travel from the principal public entrance to the new or modified part of an existing building. This is known as the 'affected part' of the building. Requirements regarding the affected part of the building have not been incorporated in to the BCA; hence, the Premises Standards should be referred to directly to ensure compliance with the DD Act.
- Building work that has been certified to comply with the BCA before 1 May 2011, but where construction has not yet commenced by 1 May 2011, will be required to comply with the Premises Standards.
- Disabled access should be considered as part of any precinct planning.

The DD Act makes it unlawful to discriminate against anyone on the basis of their disability. It applies to actions of discrimination wherever they occur, including in both new and existing buildings. The DD Act is also largely complaints based, and hence does not impose a blanket mandate that all buildings be renovated to provide disabled access.

The DD Act contains the Premises Standards. These prescribe the national requirements for new buildings and where new building work is being undertaken in existing buildings in order to comply with the DD Act.. Premises are defined to include a structure, building, aircraft, vehicle or vessel, and a place whether enclosed or built on or not.

Building work that has been certified to comply with the BCA before 1 May 2011 but where construction has not yet commenced by 1 May 2011 will be required to comply with the Premises Standards. Consideration may need to be given to amending designs to comply with the Premises Standards for projects that have long been planned for and where building work was not commenced before 1 May 2011.

Where an existing building undergoes an alteration or addition, in most circumstances this will trigger a requirement for an upgrade of the affected part of the building under the Premises Standards. Under the Premises Standards it is necessary to provide an accessible path of travel from the principle public entrance to the new or modified part of an existing building. Access requirements relating to affected parts of buildings are not currently a requirement in the BCA; therefore the Premises Standards should be referred to for requirements relating to affected parts of the building.

In many situations, buildings and other facilities will be unable to achieve full compliance with the DD Act, for example because of ‘barriers’ created by the original design and infrastructure (such as heritage buildings). The DD Act makes provision for instances of non-compliance to be considered in terms of whether providing access would cause an unjustifiable hardship. Relevant factors in this regard may include the cost, technical difficulties, use of the building and the effect the required changes may have on heritage values.

Consistent with the OEH *Disability Action Plan*, new on-park building or infrastructure works should provide disabled access to meet the requirements of the DD Act. The procedures detailed in section 2 make provision for this, and for any decisions not to provide access to be documented. It should be noted that it can never be absolutely clear when non-compliance with the DD Act is justified – it would be for a court to decide on a case-by-case basis if the matter were litigated.

Where substantial works are proposed across a large area in a national park, it may be appropriate to consider options for disabled access as part of a precinct planning process. This would provide a strategic opportunity to cater for disabled access than planning for buildings and facilities in isolation. More information on precinct planning is available in the *Park Facilities Manual*.

1.2.4 Other statutory requirements

New building and infrastructure works must also comply with other relevant statutory requirements, including the OH&S Act, OH&S Regulation and *Residential Tenancies Act 1987*. The OH&S Regulation, in particular, includes a number of provisions for construction-related work, including demolition.

The WorkCover Authority administers the OH&S Act and has established a range of requirements, including codes of practice and standards for building works, including:

- asbestos removal and handling
- preventing falls
- hazardous substances
- excavation.

1.3 Steps in the building and infrastructure process

There are several steps involved when planning building or infrastructure works. These are summarised in Figure 2. More detailed information is provided for building works (Figure 3) and infrastructure works (Figure 4) in section 2.

1.3.1 Links to the environmental impact assessment process

The first step in seeking to undertake on-park building or infrastructure work is to assess the likely environmental impacts of the proposal and obtain any necessary statutory approvals. For proposals in lands reserved under the NPW Act, this primarily involves consideration of whether a review of environmental factors (REF) is required.

In some cases, building or infrastructure work will be considered exempt development and will not require a REF. Such works still need to comply with the BCA and are subject to these procedures.

OEH has well-established systems for undertaking a REF or conservation risk assessment (CRA) for exempt development, and these should be applied. There is also a range of other policies and procedures that are relevant during the environmental assessment of an on-park activity.

Determination of an activity (via consideration of a REF or a CRA) does not authorise the commencement of building or infrastructure works – it simply means that the environmental impacts of those works have been considered and are acceptable. It is still necessary to ensure that new building or infrastructure works will meet relevant standards before works commence. This requirement is usually reflected in the REF determination conditions.

It is possible to submit a REF or CRA and New Works Certificate application for new building or infrastructure work (section 2) for approval at the same time. This may be an option for small-scale projects where the design has already been prepared, saving time and streamlining the approvals process.

In the case of heritage buildings and places it is strongly recommended that an assessment of BCA, Premises Standards and Australian Standards requirements is undertaken early in project planning to inform likely uses and design requirements and the environmental impact assessment.

For larger more complex projects it may be prudent to await the outcome of the REF or CRA, as the determination and any conditions of approval may require specific design matters to be reconsidered (for example, the number and location of car-parking spaces for a new visitor centre).

Where a project triggers the need for an environmental impact statement or is considered State significant development or infrastructure¹, consideration will need to be given to the processes for ensuring any approved building work meets the BCA, Premises Standards and Australian Standards. State significant developments are assessed by the Department of Planning and Infrastructure (DP&I) and determined by the Minister for Planning, the Planning Assessment Commission or senior departmental staff at DP&I. DP&I would need to consider and advise on responsibilities for certification of building and infrastructure work.

1.3.2 Meeting standards for building and infrastructure work

The procedures in section 2 provide a basis for ensuring that new building or infrastructure works in OEH reserves, undertaken by OEH or others, conform to industry standards and statutory requirements. These procedures therefore provide guidance to the practical implementation of the requirements of s.109R of the EP&A Act for new building work and the application of Australian Standards and technical codes for new infrastructure work.

These procedures provide a framework for the certification of building and infrastructure work based on a risk-management approach. Hence smaller, less complex works are intended to follow a simplified certification process while larger, more complex and higher-risk projects are subject to more stringent certification requirements. A similar approach is also applied to works affecting existing buildings or infrastructure assets (section 2).

Under these procedures it is the role of the proponent to obtain and provide the required level of certification documentation. The proponent will usually be an external party wishing to undertake works on-park, or an area manager for works undertaken by OEH.

It is not the role of the OEH decision-maker, usually the Parks and Wildlife Group (PWG) regional manager, to assess or approve the certification documentation or technical design details. OEH's role is to specify the requirements for certification, including preparation by a suitably qualified person, and to confirm that the necessary documentation has been provided.

¹ State significant development has replaced the Part 3A provisions of the EPA Act.

1.3.3 Integration with the Asset Maintenance System

These procedures recognise the importance of ensuring that buildings and infrastructure owned and/or managed by OEH are subject to regular inspection and upkeep to ensure they are operating safely and efficiently.

The Asset Maintenance System (AMS) provides the basis for achieving this outcome. Consistent with existing processes, at the conclusion of new works or works to existing buildings or infrastructure, details should be incorporated into AMS and inspection and maintenance requirements generated if required.

1.3.4 Recording decisions

The process for signing-off works certificates is discussed below. As with all park management decisions it is important that an accurate record of decision-making is maintained. Where PWG regions are currently maintaining a register of REF decisions, it is recommended that the register also be used to record decisions related to works certificates. In future, a statewide REF register will be available.

1.4 Commencement

These procedures commenced in November 2010 and were reviewed and updated in November 2011. They will be regularly reviewed and updated to reflect changes in legal and policy requirements.

The procedures replace all existing arrangements, including those previously applied at a region or area level. The only exception is for projects involving the coastal cabins in Royal National Park. These will be subject to a tailored works application process.

1.5 Supporting notes

Key points

- REF or CRA determination does not mean that a project may commence – new building or infrastructure works need to demonstrate compliance with the BCA, Premises Standards and/or Australian Standards before commencement.
- Projects over \$1,000,000 in value must use an accredited agency or expert as project manager.
- Projects over \$1,000,000 may also be managed by OEH if there is sufficient in-house expertise and the appropriate approvals have been granted in accordance with NSW Government and OEH procurement policies.
- PWG regional managers sign-off works certificates for new building or infrastructure work.
- New building works on heritage buildings, including a change of use, are subject to the BCA and Premises Standards.
- Obtaining certification documentation will usually require the use of specialist expertise.

1.5.1 Works being project-managed by an accredited agency

The NSW Government has established mandatory procedures for the management of capital projects over \$1,000,000. Under current requirements OEH must use an accredited agency or expert to manage projects in excess of this amount. Information on

the process for identifying and using accredited agencies is available from NSW Procurement.²

Any OEH capital-funded project over \$1,000,000 should therefore use this system. However, it is possible for OEH to manage such projects if it can be demonstrated that in-house expertise is available to manage the project in line with Government procedures, and that approvals are obtained in accordance with Government and OEH procurement policies.

The Department of Finance and Services (DFS) also offers some free services under the default delivery system and should be contacted for information and advice.

For projects that are managed under this system, it should be confirmed that appropriate certification of works to meet the BCA, Premises Standards and Australian Standards or other technical codes will be undertaken or coordinated by DFS or other accredited agency or expert. These procedures will therefore not apply unless this is agreed to be part of the project management contract with DFS or accredited agency or expert.

If OEH is project managing works over \$1,000,000 these procedures will apply.

1.5.2 Contracts and tenders

The standard OEH construction contracts already require works to be completed in accordance with the BCA, Premises Standards and Australian Standards.

Contractors (especially those engaged by external proponents) should be made aware of these procedures as early as possible in the design and planning of a project.

1.5.3 OEH sign-off on building and infrastructure

These procedures provide that the sign-off on works certificates for new building and infrastructure work is at PWG regional manager level. This is considered appropriate as it mirrors the determination of REFs and CRAs.

Sign-off does not constitute an endorsement or approval of the technical details of a project. It is primarily an acknowledgement that the required certification documentation has been prepared by an appropriately qualified person and received by OEH.

Ultimately, the responsibility for ensuring that a project will meet the required standard rests with the proponent and the appropriately qualified certifier.

OEH's Environment Protection and Regulation Group (EPRG) will generally not have a role in dealing with applications under these procedures, except where EPRG is the determining authority for a REF and the conditions of the approval require further EPRG input on aspects of the proposal.

1.5.4 Kosciuszko ski resorts

Approvals for building and infrastructure works in the ski resorts are managed through a shared process between DP&I (non-government proponents) and OEH (government proponents) under the provisions of the *State Environmental Planning Policy (Kosciuszko National Park – Alpine Resorts) 2007*.

These procedures will be applied by OEH to those projects that it is responsible for approving within the ski resorts.

² www.nswprocurement.com.au/Government-Procurement-Frameworks/Construction/Framework.aspx

1.5.5 Heritage buildings and places

Existing heritage buildings and places that are either not in use or are being used for their original purpose, and are not subject to new building or infrastructure works, do not have to be upgraded to comply with the BCA, Premises Standards or Australian Standards.

However, new building and infrastructure works and adaptive reuse of heritage buildings and places will be subject to the BCA, Premises Standards and Australian Standards. This includes:

- new building works (such as alterations and additions)
- changes in use (for example, from pastoral station residence to visitor accommodation)
- new infrastructure or works to existing infrastructure.

In many cases, works to heritage buildings and places will require alternative solutions to avoid harm to heritage values while still meeting the intent of the BCA, Premises Standards or Australian Standards. Projects must seek to avoid impacts as a first priority. Where unacceptable heritage impacts are likely, the proposal should be reconsidered or modified.

It is strongly recommended that for proposals involving heritage buildings and places an assessment of BCA, Premises Standards and Australian Standards requirements is undertaken early in project planning to inform likely uses, design requirements and environmental impact assessment.

Particular attention needs to be paid to:

- fire safety (alarms and detectors, signs and lighting)
- access and egress (treads and risers on stairs, handrails, distance from exit)
- disability access, especially wheelchair access
- balustrades, especially height and gaps
- emergency access to bathrooms (such as lift-off toilet doors).

Professional advice and expertise must be sought.

The NSW Heritage Office (OEH) has a Fire Access and Services Advisory Panel that may be able to assist with innovative solutions to minimise impacts on heritage items, particularly items on the State Heritage Register.

OEH also provides guidelines for works on heritage buildings and structures:

- *Guide to building conservation works*
- *Guidelines for works: Cultural heritage buildings and structures.*

1.5.6 Maintenance and repairs to existing assets

Many existing OEH assets, such as cottages, lookouts, roads or walking tracks, were constructed well before contemporary standards were developed. OEH undertakes routine and minor maintenance and repairs for all its assets, including repainting, replacement of fixtures (such as gutters, broken windows, roof tiles), resealing and regrading of roads, and general upkeep (such as replacement of eroded walking track materials).

Maintenance for the protective care of the fabric of a place may be ongoing or cyclical and would generally include:

- maintenance not involving the removal of, or damage to, existing fabric or the introduction of new materials

- works not affecting structural integrity or load-bearing capacity
- landscape maintenance including weeding, watering, mowing, pest control, fertilising, some pruning and tree surgery
- cleaning, including the removal of surface deposits, organic growths or graffiti
- repairs such as the replacement of services like cabling, plumbing, wiring and fire services that use existing service routes, cavities or voids or replace existing surface mounted services
- repair such as refixing and patching or the replacement of missing, damaged or deteriorated fabric that is beyond further maintenance
- routine maintenance of trails and roads, including:
 - routine grading, gravelling, reshaping, resealing and general repairs in the existing corridor
 - clearing and repair of existing drains, culverts, rollovers, batters and similar features.
- painting.

These types of works do not require certification under these procedures. However, they should be undertaken by OEH staff or external parties with relevant qualifications, expertise and experience to ensure they are safe and fit for the intended purpose and consistent with the applicable standards and codes. For example, electrical work should be undertaken by a licensed electrician, and roadworks should be undertaken by suitably experienced staff.

Where maintenance works on cultural heritage items are proposed, further specific assessment and approvals may be required. For further information refer to the *Guide to approval for cultural heritage items*.

Nothing in these procedures requires OEH to ensure that existing assets in their entirety immediately demonstrate full compliance with relevant standards and codes, unless they are subject to significant new works that go beyond maintenance. In such cases, these procedures require consideration of whether the existing asset should be brought into partial or total conformity with the relevant standard. In all other circumstances, OEH will continue to manage assets in accordance with existing policies (for example, for visitor safety) and statutory requirements and will maintain and upgrade these in accordance with asset management priorities. AMS will be the main tool for planning and undertaking maintenance works.

1.5.7 Minor internal and external alterations and refurbishment

In addition to basic repairs and maintenance, works that involve small-scale internal and external alterations to buildings and infrastructure assets are regularly undertaken. This includes works to refurbish or upgrade assets to improve their longevity and operating efficiency.

Such works are considered likely to be small in scale and low-risk, providing that they satisfy the following criteria:

Buildings:

- must not result in the enlargement or extension of a building or affect the structural integrity or load-bearing capacity of any load-bearing component of the building
- recladding must involve only replacing existing materials with similar materials and not involve structural alterations
- if internal works, they must be non-structural alterations to the existing building only, such as replacement of doors, wall, ceiling or floor linings or deteriorated frame members with equivalent or improved quality materials, or inclusion of built-in fixtures

- works must not compromise fire safety or affect accessibility of any fire exit.

Infrastructure:

- must not result in an increase in the capacity of the asset or its physical footprint, or affect the structural integrity or load-bearing capacity of any element of the asset
- must involve similar materials and size if replacing assets.

These types of works do not require certification under these procedures, but should be undertaken by OEH staff or external parties with relevant qualifications, expertise and experience to ensure they are safe and fit for the intended purpose and consistent with applicable standards. If contractors are engaged, use of OEH works contracts will ensure compliance with the relevant standards.

1.5.8 Proposals that require council or other public authority consent

OEH is usually exempt from obtaining council approvals for building or infrastructure works. However, there may be some instances where council approvals are required. This is most likely to occur for lands that have been acquired but not reserved under the NPW Act (unless they are zoned E1 under the relevant local environmental plan) or for works proposed outside of OEH estate (such as development of a new OEH office in a regional town). In these cases, it is advisable to consult with the local council.

In some circumstances, building or infrastructure work by OEH may require approval from another public authority (such as for jetties where Maritime NSW owns the seabed).

In these situations, OEH will need to obtain necessary planning and building approvals in accordance with requirements of the EP&A Act and the relevant public authority. Where these situations arise it may be necessary to obtain further advice on the processes that apply (see section 1.5.12 for OEH contacts).

1.5.9 Food safety

Building work undertaken in OEH reserves may involve premises which supply food, such as cafes, kiosks and restaurants.

In Kosciuszko National Park OEH is responsible for enforcement and regulation in accordance with requirements of the *Food Act 2003* and Food Regulation 2004.

In other locations the local council is the relevant body.

These procedures require proponents to demonstrate that they have complied with requirements of the *Food Act 2003* or Food Regulation 2004 before commencing food-related business.

1.5.10 Fees

An application fee is not required. This is in recognition that most external proponents will have already paid a fee for the submission of a REF.

However, proponents are required to pay a fee based on the main costs incurred by OEH in assessing application for a New Works Certificate and Completed Works Certificate. The fees are the same as those that apply to the assessment and determination of a REF:

- OEH staff time associated with the assessment of the application, including investigation of the site, meetings, travel time, review of the documentation (\$50/hour)
- travel expenses for site inspections (\$0.24/km)

- additional expenses, charged at actual cost; these costs may include accommodation, additional travel expenses, legal or other specialist advice.

For some applications OEH may need to obtain advice to assist in the assessment by employing a consultant, and the costs will be included in the fee to be paid by the proponent.

1.5.11 Finding a project certifier

OEH may sometimes directly employ staff with the necessary qualifications, skills and experience to prepare certification documentation for building or infrastructure projects. However, this will mostly not be the case and staff should not be preparing certification documentation or technical designs unless they are qualified to do so and are employed for that purpose. For example, a OEH officer with structural engineering qualifications must not act in the capacity of an engineer unless the officer is employed under an appropriate award for that purpose.

In the future, opportunities may exist for OEH staff to receive training and accreditation to provide certification of projects of a specified type and scale.

Obtaining the certification documentation for a building or infrastructure project will therefore often require the use of specialist expertise. There are many individuals and companies accredited and qualified to provide certification for the BCA and advice on compliance with Australian Standards and other codes.

In some areas, local councils may also be able to offer building or infrastructure certification services.

One of the advantages of using a consultant or the local council is to obtain independent and transparent scrutiny of a project. Projects can be complex and involve a range of technical issues, and may require specialist knowledge and skills to assess and identify workable design solutions. This includes the identification of appropriate milestones (hold and witness points) where it is necessary for particular aspects of a work to be inspected and signed-off (for example to check footings and reinforcing before a concrete pour). In addition, consultants are covered by professional insurance, so that if problems arise OEH may be able to take appropriate action to rectify the situation.

There are various ways to locate a suitable consultant. These include:

- professional associations and organisations, which may have online search facilities, such as:
 - Building Professionals Board
 - Master Builders Association NSW
 - Australian National Engineering Registration Board
 - Australian Institute of Building Surveyors.
- local councils
- Yellow Pages or Internet search.

A key requirement in choosing a consultant is to ensure that they have the necessary accreditation and qualifications to be able to certify the particular work being undertaken.

It is the responsibility of any external proponent to engage the services of a suitably qualified professional. In some cases, an external proponent may have staff able to prepare the certification documentation (for example Sydney Water or the Roads and Traffic Authority).

1.5.12 Further information and accessing the BCA, Premises Standards or Australian Standards

If further information or clarification on the application of the procedures is required, contact the asset manager in the relevant PWG branch.

General information can also be obtained by contacting the PWG Environmental Planning Advisor on (02) 9585 6607 or info@environment.nsw.gov.au.

If detailed information is required on the BCA or Australian Standards that may apply to a particular project, the BCA and Australian Standards can be accessed online via the OEH library.

The Premises Standards³ and the *Guideline on the Application of the Premises Standards*⁴ can be accessed online.

Development of these procedures has also been guided by the following OEH resources:

- *Risk Management Policy and Risk Management Procedures*
- *Disability Action Plan*
- park management policies:
 - *Park Visitor Facilities Policy*
 - *Visitor Safety Policy and Procedures*.

³ www.comlaw.gov.au/Details/F2010L00668

⁴ www.hreoc.gov.au/disability_rights/standards/PSguide.html

2 Procedures

2.1 Pre-construction requirements for building or infrastructure work

If building or infrastructure work constitutes an activity under Part 5 of the EP&A Act, a REF must be completed and determined. Approvals required under other relevant legislation (such as the *Heritage Act 1977*) must be obtained at this stage.

If the work is exempt development, refer to OEH procedures for preparation of a CRA.

After the REF or CRA is determined, and prior to commencing any new building or infrastructure work, an application for a New Works Certificate must be submitted if required by these procedures. Works may commence only when OEH has issued a New Works Certificate.

A REF or CRA and related works certificate applications may be submitted for consideration at the same time.

2.2 Application for new building works, including change of use and demolition

2.2.1 When is a New Works Certificate required?

In these procedures, building work and buildings are as defined in the EP&A Act, including demolition as well as a change of use (section 1.2). The requirement to obtain a New Works Certificate applies to:

- new buildings and structures
- new works to an existing building or structure, such as alterations and additions (see key points box below)
- change of building use, where the BCA classification of the building also changes (for example, from office use to function facilities or accommodation)
- demolition of a building or part of a building (which must comply with *AS2601-2001* and the OH&S Act and OH&S Regulation).

For building works requiring a New Works Certificate, an application must be completed and provided to the relevant PWG regional manager.

Before a building is occupied or used, it will also be necessary to obtain a Completed Works Certificate to ensure that the completed building work meets the requirements of the BCA. This is also required for demolition works to show they have been carried out in accordance with *AS2601-2001* and the OH&S Act and OH&S Regulation.

Key Points

Where alterations and additions to existing buildings or structures are proposed, consideration must be given to whether the existing building or structure (in addition to the new works) should be brought into total or partial conformity with the BCA.

The matters to be considered in making this decision include whether:

- the proposed work, together with any other building work completed or authorised in the previous three years, represents more than half the total volume of the building as it was before any such work commenced measured over its roof and external walls
- the measures in the building are inadequate:
 - to protect persons using the building, and to facilitate their egress from the building, in the event of fire
 - to restrict the spread of fire from the building to other buildings nearby.
- the works have been identified as high or extreme risk (Appendix B)
- requiring partial or total conformity of the existing building or structure would have unacceptable adverse impacts on natural and cultural heritage values.

The above requirements are similar to the provisions of clause 94 of the Environmental Planning and Assessment Regulation 2000, which apply to all off-park building proposals assessed by councils.

2.2.2 When is a New Works Certificate not required?

The certification process in these procedures does not apply to the following building works, but should be undertaken by OEH staff or external parties with relevant qualifications, expertise and experience to ensure they are safe and fit for the intended purpose and consistent with the applicable standards and codes:

- maintenance or repair of existing buildings or structures (section 1.5)
- minor internal and external building alterations or refurbishment (section 1.5)
- works being undertaken using the process and standard designs in the *Park Facilities Manual* (section 2.3)
- works being project-managed by an accredited agency where other processes apply (section 1.5).

2.2.3 What information is required for a New Works Certificate?

The certification documentation required to accompany an application for new building work is specified in Table 1. This applies to new buildings, alterations and additions to existing buildings, demolition, or a change of building use, in the following categories:

- Class 1–9 buildings as per the BCA (essentially habitable buildings)
- Class 10A buildings (such as garages, carports, sheds)
- Class 10B structures (such as fences, masts and antennae).

In the case of Class 10B structures, this does not include any structures that are addressed in the *Park Facilities Manual* – see Table 2 and Appendix D.

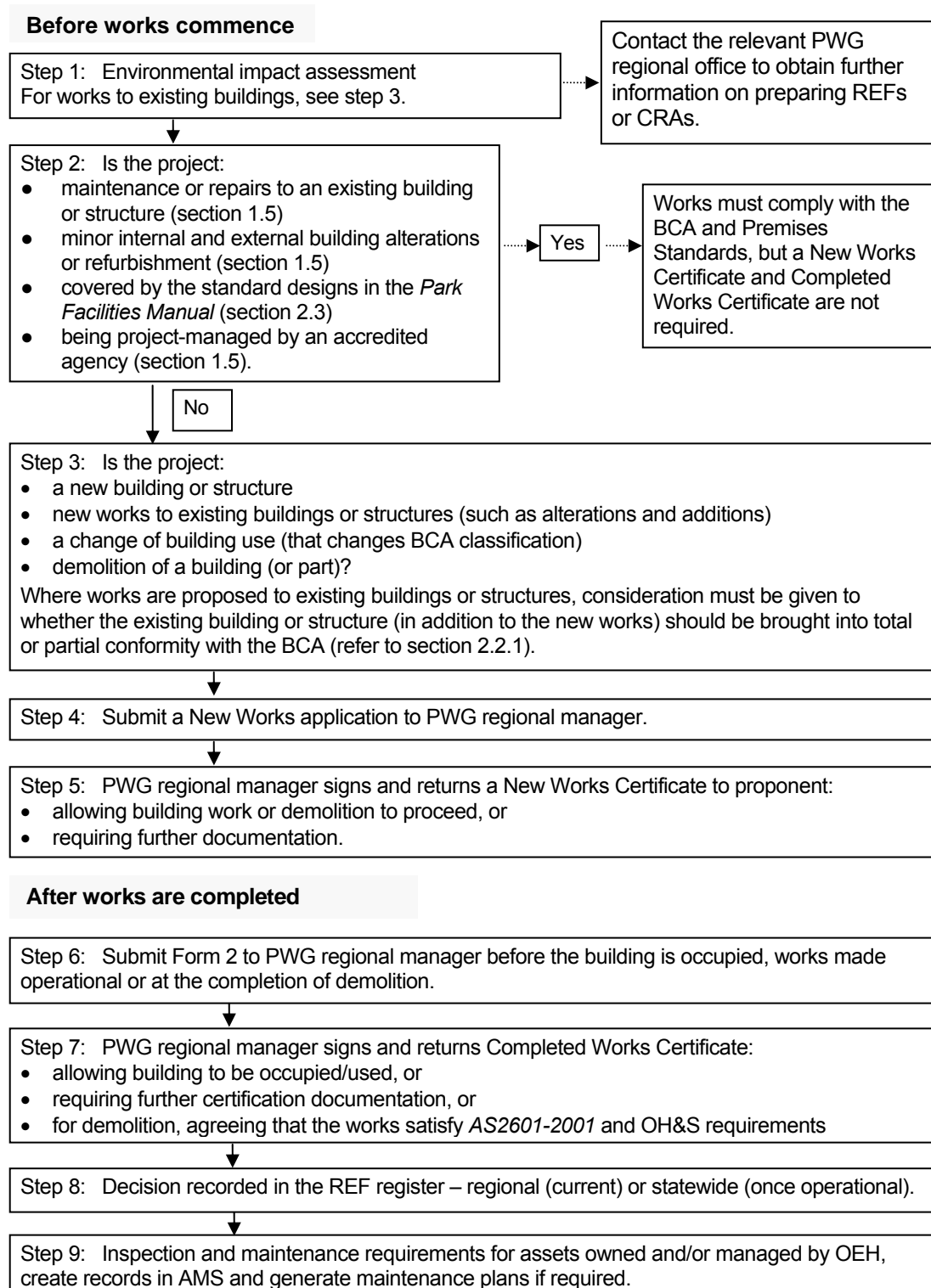
The process is summarised in Figure 3.

Table 1: Certification documentation for new building works, including demolition

Certification requirements	Responsibility for certification documentation
<p>A: Building design and construction</p> <p>Certification by appropriately qualified person that the new works have been designed and built in accordance with the requirements of the BCA and the Premises Standards.</p>	<p><i>Building design</i> should be undertaken by a person qualified to certify the class of building. This may include an architect, drafter, licensed builder or BCA consultant.</p> <p><i>Structural design and compliance</i> should be undertaken by either a Chartered Professional Engineer, registered on the National Professional Engineers Register (NPER), or a BCA consultant.</p>
<p>B: Fire safety</p> <p>Certification by an appropriately qualified person that:</p> <ul style="list-style-type: none"> • a schedule specifying fire safety measures for the building has been prepared • the fire safety measures have been implemented • specifies any requirements for supplementary or annual fire safety statements. 	<p><i>Fire protection</i> should be assessed by a BCA consultant qualified to certify for fire safety for the class of building.</p>
<p>C: Building elements</p> <p>Certification by an appropriately qualified person that specific elements of the building (such as mechanical plant, electrical, plumbing, gas, drainage, commercial kitchens) have been designed, built and will be operated in accordance with statutory requirements and technical standards.</p>	<p>Either a BCA consultant who is qualified to certify for the type of works, or for:</p> <ul style="list-style-type: none"> • <i>mechanical plant</i>, a Chartered Professional Engineer (mechanical or electrical), registered on NPER • <i>electrical installations</i>, an electricity supply authority, licensed electrician or electrical engineer as applicable • <i>LPG or natural gas installations</i>, a gasfitter or plumber licensed by the Department of Fair Trading for the class of work, or a hydraulic services designer with at least five years experience. • <i>plumbing and drainage</i>: <ul style="list-style-type: none"> • minor works, a plumber or drainer licensed by the Department of Fair Trading for the class of work • major works, a Chartered Professional Engineer (Civil), registered with NPER. • <i>commercial kitchens</i>, a qualified health surveyor authorised for the purposes of the <i>Food Act 2003</i> and <i>Food Regulation 2004</i>.
<p>D: Demolition</p> <p>Certification by an appropriately qualified person that the demolition works have been planned and undertaken in accordance with the requirements of <i>AS2601-2001</i> and the OH&S Act and OH&S Regulation.</p>	<p>This will need to be determined on a case-by-case basis depending on the scale of demolition, but must be a person qualified to certify compliance with <i>AS2601-2001</i> and the OH&S Act and OH&S Regulation.</p>

Certification requirements	Responsibility for certification documentation
<p>E: Geotechnical works (if required by OEH)</p> <p>A detailed assessment and certification by an appropriately qualified person that the works have been planned and undertaken, consistent with an acceptable risk level for the type of works.</p> <p>Note: The applicant should liaise with OEH to determine the need for a geotechnical assessment and certification. Certain locations, such as alpine areas, steep slopes or areas of known slip hazard, are likely to require detailed geotechnical investigations.</p>	<p>Chartered Professional Geotechnical or Civil Engineer, or Engineering Geologist, registered on NPER, with at least 10 years experience in geotechnical slope stability assessment.</p>
<p>A New Works Certificate must be obtained before new building or demolition work for A, B, C and D as detailed above commences.</p> <p>A Completed Works Certificate must be obtained:</p> <ul style="list-style-type: none"> • for A and B before the building may be occupied or used • for C before the item is made operational (i.e. turned on) for general use • for D at the conclusion of demolition works. <p>The geotechnical assessment and certification (E above) will be required to accompany one or both certificates if advised by OEH.</p>	
<p>Disabled access</p> <p>Compliance with the Premises Standards will satisfy requirements of the DD Act. The BCA has been updated to incorporate the Premises Standards for Class 2 – Class 9 buildings. For Class 1 buildings and requirements relating to affected parts of buildings refer to the Premises Standards.</p> <p>Where it is considered compliance with the standards will result in unjustifiable hardship, any reasons for non-compliance must be well documented.</p>	

Figure 3: Certification process for building works



2.3 Application for new infrastructure works including demolition

For the purposes of these procedures, infrastructure works means any physical activity involved in the erection or alteration of on-park public or private assets and utility services, including demolition. It includes works such as car parks, roads, tracks, viewing platforms, landscaping, fencing, environment protection works (such as soil erosion controls) and public utilities (such as pipelines, cables, telecommunications, sewerage and water supply systems, stormwater drainage, flood mitigation structures).

There are two broad categories of infrastructure work that are typically undertaken within OEH reserves: small-scale standard park facilities; and larger-scale infrastructure works.

2.3.1 Standard park facilities

The *Park Facilities Manual* includes standard designs and requirements for a range of facilities, such as walking tracks, toilets, viewing platforms and retaining walls. For the purposes of these procedures, all of the facilities covered by the *Park Facilities Manual* are considered to be infrastructure. The designs meet BCA and Australian Standards but, where relevant, may need further confirmation that they are consistent with the Premises Standards.

Given this context, and the relatively low complexity, risk and scale associated with facilities covered in the *Park Facilities Manual*, it is not necessary to obtain a New Works Certificate or provide further documentation. The *Park Facilities Manual* provides for professional certification to be obtained in some circumstances, such as geotechnical assessments for viewing platforms. Nothing in these procedures affects those, or similar, requirements stated in the *Park Facilities Manual*.

Where park facilities are to be constructed using the process and designs in the *Park Facilities Manual* the requirements in Table 2 apply.

Table 2: Constructing standard park facilities

Infrastructure category	Requirements	Responsibilities
Park facilities as detailed in the <i>Park Facilities Manual</i> and <i>Park Visitor Facilities Policy</i>	Park facilities must be designed and built in accordance with the requirements of the <i>Park Facilities Manual</i> and <i>Park Visitor Facilities Policy</i> .	The relevant PWG area manager is responsible for ensuring compliance with the requirements. A basic checklist is in Appendix D.

In some circumstances it may be necessary for the standard designs in the *Park Facilities Manual* to be varied to suit the circumstances of a project (for example, environmental characteristics such as topography, or to meet specific visitor needs). Where this is necessary, refer to the *Park Visitor Facilities Policy* for guidance on the appropriate level of sign-off for variations.

2.3.2 Large-scale infrastructure works

There is a variety of large-scale infrastructure works in OEH reserves. These include existing and new infrastructure managed by public authorities (park trails, roads, gas, water, sewer, electricity) and private organisations (telecommunication facilities). There are also occasions where infrastructure projects that involve unusual, unique or complex elements are proposed. Examples may include temporary structures associated with commercial filming, cable-cars, elevated tree-top climbing courses and marinas.

The complexity, risk and scale of such projects can vary considerably. Factors such as the nature of the proposal, sensitivity of the location, and timing and length of use will be relevant to the consideration of the certification requirements that should apply to such works. While in some cases there may be a range of relevant standards and technical standards that apply, in others minimal guidance may be available.

In accordance with OEH risk management policy and procedures, a risk-based approach is adopted in these procedures when dealing with large-scale infrastructure works. That approach uses a value of works threshold (capital works of \$200,000) and a risk assessment to determine whether the certification process will be applied. The \$200,000 threshold has been chosen because it represents a reasonable surrogate for projects that would be of sufficient complexity and potential environmental impact to warrant certification. Requiring a further consideration of risk for projects less than \$200,000 provides a safety-net to ensure that less costly projects that may nevertheless pose a risk are subject to scrutiny via a certification process.

2.3.3 When is a New Works Certificate required?

A New Works Certificate, including certification to meet Australian Standards, will need to be obtained for new infrastructure works that:

- have a capital value of over \$200,000
- have a capital value of less than \$200,000 and have been assessed as being of high or extreme risk (Appendix B), either on their own or because of the risk to an existing infrastructure asset or facility.

Key points

Where works (such as modifications and upgrades) are to an existing asset, consideration must be given to whether the existing asset (in addition to new works) should be brought into partial or total conformity with relevant Australian Standards and the BCA (if it applies).

The matters to be considered in making this decision are whether:

- the works have been identified as high or extreme risk (using Appendix B)
- whether requiring total or partial conformity of the existing asset would have unacceptable adverse impacts on natural and cultural heritage values.

2.3.4 When is a New Works Certificate not required?

The certification process in these procedures does not apply to the following infrastructure works, but these should be undertaken by OEH staff or external parties with relevant qualifications, expertise and experience to ensure they are safe and fit for the intended purpose and consistent with the applicable standards and codes (including for disabled access):

- maintenance and repairs to existing infrastructure (section 1.5)
- minor alterations or upgrades (section 1.5)
- works undertaken using the process and standard designs in the *Park Facilities Manual* (section 2.3)
- works project-managed by an accredited agency where other processes apply (section 1.5)
- works costing less than \$200,000 and not considered high or extreme risk (Appendix B).

2.3.5 What information is required for a New Works Certificate?

An application for a New Works Certificate must be completed and provided to the relevant PWG regional manager.

Before the work is made operational or available for use (such as a road opened for public access), it will also be necessary to obtain a Completed Works Certificate to ensure that the completed work meets the requirements of relevant standards and technical codes. This is also required for demolition works to show they have been carried out in accordance with *AS2601-2001*, the OH&S Act and OH&S Regulation.

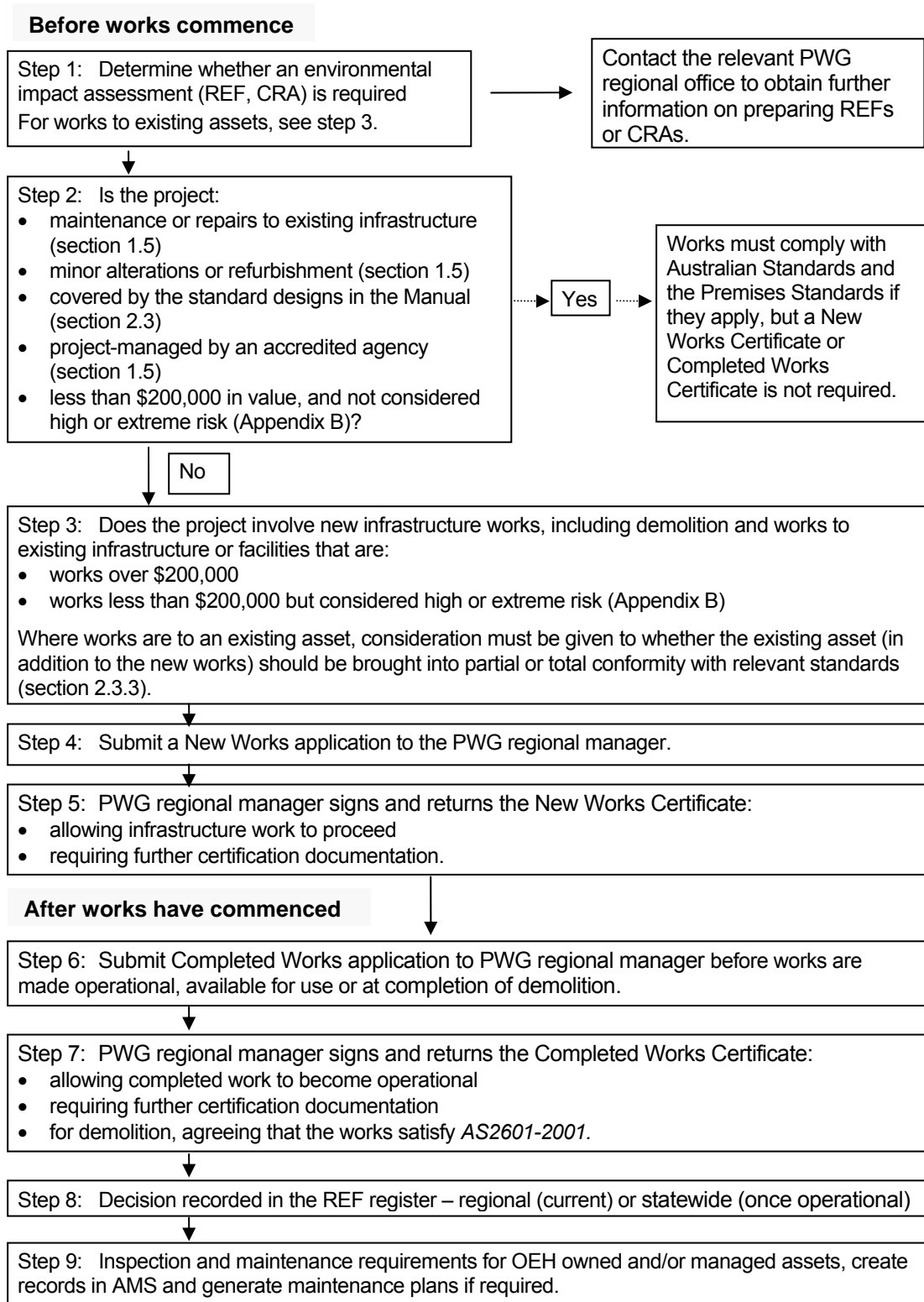
It is acknowledged that, in some cases, it may not be possible to fully comply with the applicable standards and codes, for example, due to adverse impacts on cultural heritage values. In these situations, it is the responsibility of the proponent to obtain and provide certification from an appropriately qualified person that an acceptable alternative approach is available that will meet the general intent of the standard or code and will ensure the safe operation of the particular facility or element.

The certification documentation required to accompany an application for new infrastructure work is specified in Table 3, and the process is summarised in Figure 4.

Table 3: Certification documentation for new infrastructure works, including demolition

Construction category	Certification requirements	Responsibility for certification documentation
<p>Infrastructure, such as roads, trails, carparks, viewing platforms, water supply, gas, electricity, sewer, stormwater, telecommunications</p>	<p>Certification by an appropriately qualified person that the infrastructure item has been designed, built and will be operated in accordance with relevant Australian and related technical standards, the Premises Standards (if they apply), or an alternative agreed approach.</p> <p>Fire trails are also required to comply with requirements of <i>Fire Management Manual</i>.</p> <p>OEH's roads policy will specify the required standards for road construction and maintenance.</p>	<p>A Chartered Professional Engineer, registered with NPER.</p> <p>For projects involving unique or complex works (such as a cable car) the required specialist expertise may need to be determined on a case-by-case basis.</p>
<p>Demolition of infrastructure</p>	<p>Certification by appropriately qualified person that the demolition works have been planned and undertaken in accordance with the requirements of <i>AS2601-2001</i>, OH&S Act and OH&S Regulation.</p>	<p>This will need to be determined on a case-by-case basis, depending on the scale of the demolition, but it must be carried out by a person qualified to certify compliance with <i>AS2601-2001</i>, the OH&S Act and OH&S Regulation.</p>
<p>All infrastructure works</p>	<p>Geotechnical assessment (if required by OEH)</p> <p>Detailed assessment and certification by an appropriately qualified person that the works have been planned and undertaken, consistent with an acceptable risk level for the type of works.</p> <p>The applicant should liaise with OEH to determine the need for a geotechnical assessment and certification. Certain locations, such as alpine areas, steep slopes or areas of known slip hazard, are likely to require detailed geotechnical investigations.</p>	<p>A Chartered Professional Geotechnical or civil engineer, or engineering geologist (NPER registered) with at least 10 years experience in geotechnical slope stability assessment.</p>
<p>A New Works Certificate must be obtained before infrastructure work or demolition commences.</p> <p>A Completed Works Certificate must be obtained before the infrastructure or facility is made operational or available for general use, or at the conclusion of demolition works.</p> <p>The geotechnical assessment and certification will be required to accompany one or both certificates if advised by OEH.</p>		
<p>Disabled access</p> <p>Projects involving new infrastructure works, particularly for publicly accessible premises, should include evidence of compliance with the Premises Standards where applicable. Reasons for non-compliance must be documented.</p> <p>Compliance with the Premises Standards, which commenced in May 2011, will satisfy requirements of the DD Act. The BCA has been updated to incorporate the Premises Standards for Class 2 – Class 9 buildings, which includes car parks.</p>		

Figure 4 Certification process for infrastructure works



Appendix A: Sample projects

Example 1: Construction of a 100-metre walking track by OEH

Step 1 Environmental impact assessment

Walking tracks are exempt development under the Infrastructure SEPP and a REF is not required.

Consistent with the OEH-exempt development procedures, a CRA is prepared and determined by the PWG regional manager.

Step 2 Site and technical design

The walking track is planned and designed in accordance with the *Park Facilities Manual*. If viewing platforms are planned this may trigger a geotechnical assessment as outlined in the *Park Facilities Manual*.

It is not necessary to obtain a New Works Certificate (unless viewing platforms are proposed). Works undertaken following the process and design guidelines in the *Park Facilities Manual* are considered to be of low complexity and risk.

It is the responsibility of the area manager to ensure the walking track as planned is consistent with the requirements of the *Park Facilities Manual* and any relevant Australian Standards:

- Use the checklist in Appendix D to ensure compliance with the *Park Facilities Manual*.
- If using a contractor, the standard OEH works contracts require works to comply with relevant standards.

Step 3 Construction

Undertake construction of the walking track following the final technical design.

It is not necessary to obtain a Completed Works Certificate. It is the responsibility of the PWG area manager to ensure the walking track is constructed in accordance with the agreed design.

Step 4 Opening and ongoing maintenance

The walking track is opened for public use.

Assets data is incorporated into AMS and inspection and maintenance requirements generated if required.

Example 2: Construction by OEH of a new accommodation building, such as a small cabin, valued at \$100,000

Step 1 Environmental impact assessment

Prepare a REF in accordance with OEH guidelines and determined by a PWG regional manager (as a minor activity).

A sustainability assessment will also be required in accordance with the OEH *Sustainability Guidelines*.

Step 2 New Works Certificate

The proponent submits a New Works Certificate application (Form 1, Part A), attaching evidence from a BCA consultant that the proposal will meet the requirements of the BCA and Premises Standards, including the building design, fire safety and any specific building elements (electrical, gas, plumbing).

The PWG area manager reviews the application and provides a recommendation to the regional manager.

The regional manager decides whether to sign-off the New Works Certificate and, if so, whether to include conditions.

Step 3 Construction

The proponent undertakes building construction as per the signed-off New Works Certificate and conditions.

Step 4 Completed Works Certificate

Before the building is occupied the proponent completes and submits a Completed Works application, attaching evidence from a consultant that the completed works comply with the BCA and Premises Standards with respect to building design, fire safety and disabled access.

The area manager reviews the application and completes a recommendation forwarded to the PWG regional manager.

The regional manager decides whether to sign-off the Completed Works Certificate and, if so, whether to include conditions. (Note that the provision of annual fire safety statements is a mandatory condition for habitable buildings.)

The decision is noted in the regional REF register (current) or statewide REF register (once operational).

Step 5 Building occupied and used

If the Completed Works Certificate is signed off, the building may be occupied and used for the approved purpose, subject to any conditions.

Assets data is incorporated into AMS and inspection and maintenance requirements generated if required.

As required by the mandatory conditions, the proponent (or future occupant) provides an annual fire safety statement to OEH.

Example 3: Works by OEH to upgrade an existing viewing platform, less than 100 m² in area but identified as high-risk, including structural and load-bearing alterations.

Step 1 Environmental impact assessment

Viewing platforms less than 100 m² in area are exempt development under the Infrastructure SEPP and a REF is not required.

Consistent with the OEH exempt development procedures, a Conservation Risk Assessment is prepared and determined by the Regional Manager.

Step 2 New Works Certificate

The works are less than \$200,000 but considered high or extreme risk (identified through previous site assessment).

The works are planned and designed taking into account the *Park Facilities Manual*. This includes a geotechnical assessment.

Proponent submits New Works Certificate application, attaching the geotechnical assessment and certification that the works as planned will meet relevant standards and are consistent with an acceptable risk level.

The area manager reviews the application and completes a recommendation to the regional manager.

The regional manager decides whether to sign-off the New Works Certificate and, if so, whether to include conditions.

Step 3 Construction

Undertake works as per the signed-off New Works Certificate and any conditions.

Step 4 Completed Works Certificate

Before the viewing platform is re-opened for public use the proponent completes and submits a Completed Works application, attaching evidence that the completed works comply with relevant standards (including geotechnical certification).

The area manager reviews the application and completes a recommendation to the regional manager.

The regional manager decides whether to sign-off the Completed Works Certificate (Form 2, Part B) and whether to include conditions.

The decision is noted in the regional REF register (current) or statewide REF register (once operational).

Step 5 Opening and ongoing maintenance

The viewing platform is opened for public use.

Assets data is incorporated into AMS and inspection and maintenance requirements generated if required.

Example 4: Minor external and internal alterations to an office building being refurbished for continued park office use by OEH

The alterations include:

- repairs to an existing timber deck
- replacing degraded weatherboards
- replacing damaged internal plaster walls
- general refurbishment (carpeting, electrical wiring, telecommunications fit-out).

Step 1 Environmental impact assessment

Non-structural alterations (not affecting load-bearing capacity) are exempt development under the Infrastructure SEPP and a REF is not required.

Consistent with the OEH exempt development procedures, a Conservation Risk Assessment is prepared and determined by the Regional Manager.

If the building has heritage value, heritage assessments and approvals may be required. If impacts on heritage values may be significant, a REF will be required as the proposal does not meet the requirements to be exempt development.

Step 2 New Works Certificate

Not required. The procedures provide that certain minor non-structural building works do not require a New Works Certificate.

Works must still comply with the BCA and Premises Standards and it is the responsibility of the Area Manager to ensure that the works are undertaken by staff or contractors with relevant qualifications, expertise and experience for the type of work. Compliance with the BCA is a condition of the standard OEH works contracts.

Step 3 Construction

Proponent undertakes building construction in accordance with BCA, Premises Standards and contract.

Step 4 Completed Works Certificate

Not required. The Area Manager is responsible for ensuring that the works have been completed as planned and in accordance with the contract (if contractors are used).

Step 5 Building occupied and used

Refurbished building opened for use.

Assets data is incorporated into AMS and inspection and maintenance requirements generated if required.

Example 5: Structural alterations to an existing accommodation building by an external proponent, affecting more than 50% of the building

Step 1 Environmental impact assessment

In early discussions with the proponent, OEH decision-makers form the view that the existing building will need to be brought into conformity with the BCA, given the scale of alterations planned and fire safety issues.

REF is prepared in accordance with OEH guidelines, including any heritage assessments determined by the regional manager.

A sustainability assessment will also be required in accordance with the OEH *Sustainability Guidelines*.

Step 2 New Works Certificate

The proponent completes and submits a New Works Certificate application, attaching evidence from a BCA consultant that the planned new works and the existing building meet the requirements of the BCA and Premises Standards including building design, fire safety, disabled access and any specific building elements (electrical, gas, plumbing).

The area manager reviews the application and completes a recommendation to the regional manager.

The regional manager decides whether to sign-off the New Works Certificate and, if so, whether to include conditions. The New Works Certificate is a consent under the NPW Regulation, so a separate consent is not required.

Step 3 Construction

The proponent undertakes construction as per the signed-off New Works Certificate and any conditions.

Step 4 Completed Works Certificate

Before the building is occupied, the proponent completes and submits a Completed Works Certificate application, attaching evidence from a BCA consultant that the completed new works and the existing building comply with the BCA and Premises Standards, specifically with respect to building design, fire safety and disabled access.

The area manager reviews the application and completes a recommendation to the regional manager.

The regional manager decides whether to sign-off the Completed Works Certificate and, if so, whether to include conditions.

Note that the provision of annual fire safety statements is a mandatory condition for habitable buildings.

The decision is noted in the regional REF register (current) or statewide REF register (once operational).

Step 5 Building occupied and used

If the Completed Works Certificate is signed off, the building may be occupied and used for the intended purpose, subject to any conditions.

Ongoing inspection and maintenance arrangements are as specified in any lease or licence with the proponent.

As required by the mandatory conditions, the proponent (or future occupant) provides an annual fire safety statement to OEH.

Example 6: Works by an external proponent to upgrade an existing sewer line located within 50 metres of a tidal water body, including an increase to the size and capacity of the system (valued at \$150,000)

Step 1 Environmental impact assessment

A REF is prepared in accordance with OEH guidelines and determined by the regional manager as a minor activity.

Step 2 New Works Certificate

While the project is valued at less than \$200,000, it is considered to be of high or extreme risk given the nature of the works and the location.

The proponent completes and submits a New Works Certificate application,, attaching evidence from a registered engineer that the planned new works and the existing asset meet relevant Australian Standards.

The area manager reviews the application and completes a recommendation to the regional manager.

The regional manager decides whether to sign-off the New Works Certificate and, if so, whether to include conditions. The New Works Certificate is a consent under the NPW Regulation, so a separate consent is not required.

Step 3 Construction

The proponent undertakes the infrastructure project as per the signed-off New Works Certificate and any conditions.

Step 4 Completed Works Certificate

Before the new sewer line is made operational the proponent completes and submits a Completed Works Certificate application, attaching evidence from a registered engineer that the completed new works and the existing asset comply with Australian Standards.

The area manager reviews the application and completes a recommendation to the regional manager.

The regional manager decides whether to sign-off the Completed Works Certificate and, if so, whether to include conditions.

The decision is noted in the regional REF register (current) or statewide REF register (once operational).

Step 5 Infrastructure made operational

If the Completed Works Certificate is signed off, the new sewer line may be made operational, subject to any conditions.

Ongoing inspection and maintenance arrangements are the responsibility of the proponent as they own the asset.

Appendix B: Assessing risk for building and infrastructure works proposed in OEH estate

1 Introduction

These procedures specify thresholds for certain types of building and infrastructure works that automatically require certification.

Other works may also require certification where they have been assessed as being of high or extreme risk.

A risk management approach is outlined below for use in determining whether other building or infrastructure works are of high or extreme risk and will need to be certified to meet the BCA, Premises Standards or Australian Standards.

It is noted that other more specific risk assessments may already have been undertaken that are relevant to a particular project (for example for elevated structures). Where this is the case, the decision on risk should primarily be guided by those assessments.

The functional risk categories identified in the OEH Risk Management Procedures that are relevant to building and infrastructure works are given in Table 4.

Table 4: Relevant OEH risk categories and objectives

Risk category	Broad risk management objective
Asset management	To ensure OEH's assets are appropriately, efficiently and effectively used, maintained, secured and disposed
Legal compliance	To ensure OEH complies with its statutory and contractual obligations
Environment protection	To ensure that OEH in its activities protects the environment and conserves biodiversity and geodiversity
Land management	To protect and conserve the natural and cultural assets of the land managed by OEH
Occupational health and safety	To provide a healthy and safe workplace for employees and contractors
Public safety	To minimise the risk of injury to members of the public in parks and reserves and other OEH locations

2 The risk assessment process

The level of risk for proposed building and infrastructure works should be determined by applying the following steps. A template is also provided to assist in documenting the risk assessment.

Step 1: Identify the risks

The aim of risk assessment is to identify risks that may have an impact on the safe use of buildings and infrastructure. There are many potential risks associated with such works, including safety risks for staff and visitors, and environmental, conservation and asset risks.

When identifying a risk, the following components should be considered:

- the **source** of risk (often referred to as the **hazard**) – the thing which has the intrinsic potential to harm or to benefit
- an **event** or **incident** – something that occurs to release the potential of the item or event to harm or to benefit
- a **consequence** – an outcome or impact
- a **cause** – an explanation (what and why) for the presence of the hazard or the potential benefit and/or the occurrence of the event or incident
- **controls** and their level of effectiveness
- **when** the risk could occur.

The components of each risk need to be identified and documented. Ideally, a risk should be identified in the following terms.

Something happens, leading to outcomes expressed in terms of impact on objectives. For example:

- poor environmental practices lead to construction spoil being washed into a creek resulting in harm to aquatic life
- poor work accepted by inexperienced personnel resulting in personal injury to a park visitor, or
- a structural member fails leading to a costly repair and/or loss of access to an area.

Because of the variety of building and infrastructure works, it is not possible to provide a definitive list of these components. Each project will have to be considered individually. However, the following provide examples of common risk components.

Hazards:

- undertaking non-standard building or infrastructure works
- existing building constructed before BCA requirements or in poor condition
- poor quality work
- ageing or obsolete infrastructure
- inexperienced personnel.

Events:

- environmental damage during building or upgrading infrastructure
- loss of heritage values during building or upgrading infrastructure
- structural element failures.

Consequences:

- personal injury
- environmental damage
- loss of heritage values.

Causes:

- poor or inadequate planning
- poor or inadequate building practices
- inexperienced personnel or contractors.

Controls:

- use of experienced personnel or contractors
- work undertaken in accordance with OEH policies, procedures and approved manuals
- upgrade of the entire building or facility to meet current standards
- certification of new works.

Timing of risks:

- during use (including visitor access)
- during building or infrastructure works.

Step 2: Determine the probability of risk

Once risks are identified, the probability of that risk occurring should be determined. Probability is the likelihood of a specific event occurring. The descriptors set out in Table 5 give some guidance as to the probability of the event occurring.

Table 5: Probability of risk

Probability	Descriptor
Likely	There is a very good chance this event will occur in the near future.
Probable	This event has occurred several times or more in corporate experience.
Possible	This event might occur once or twice in corporate experience.
Unlikely	This event does occur somewhere from time to time, but seldom.
Rare	It is theoretically possible for this event to occur, but extremely unlikely that it will

Step 3: Determine the consequence of risk

Consequence relates to the impact, or severity of impact, should a specific event occur. The descriptors in Table 6 give some guidance as to the consequences should an event occur.

Table 6: Consequences

Rating	Descriptor
Insignificant	<p>May have little or no impact on health and safety, environment (including flora, fauna and ecosystems), Aboriginal and non-indigenous cultural heritage and/or historic heritage.</p> <p>Will not involve legal non-compliance.</p> <p>Unlikely to attract any media or political attention.</p> <p>Will not cost much or require significant other resources to address.</p> <p>Will not cause noticeable disruption to business operations.</p>
Minor	<p>May have some impact on health and safety, environment (including flora, fauna and ecosystems), Aboriginal and non-indigenous cultural heritage and/or historic heritage, but will be able to recover from or repair the damage within a relatively short term.</p> <p>May involve minor breach of regulations, likely to incur no more than a warning or caution from regulatory authority.</p> <p>May attract some local media interest or short-term political attention.</p> <p>May involve some modest financial costs and/or some short-term commitment of other resources to address.</p> <p>May cause some minor disruption to business operations.</p>
Moderate	<p>May have significant detrimental impact on:</p> <ul style="list-style-type: none"> • health and safety, such as a moderate permanent disability or long term impairment • environment (including flora, fauna and ecosystems), such as damage to flora, fauna or ecosystems which will take medium to long term to recover • Aboriginal and non-indigenous cultural heritage and/or historic heritage, which may cause loss of access for an extended period, or permanent loss of less significant objects or of resources available elsewhere. <p>May involve legal non-compliance, with possible moderate to significant fines.</p> <p>May attract state-level media or political attention over the medium term.</p> <p>May involve significant financial costs and/or commitment of other resources to address.</p> <p>May cause significant disruption to business operations.</p>

Rating	Descriptor
Major	<p>Will have substantial detrimental impact on:</p> <ul style="list-style-type: none"> • health and safety, such as single fatality or severe permanent disability • environment (including flora, fauna and ecosystems), such as damage to habitat and ecosystems that will take an extended period of time to recover or loss of local populations of particular flora or fauna • Aboriginal and non-indigenous cultural heritage and/or historic heritage, which may cause long term or permanent partial loss of culturally significant places or species, damage to significant historic or cultural heritage assets or substantial loss of culturally significant information. <p>May involve major legal non-compliance with substantial fines, or major litigation.</p> <p>May attract national media or political attention for an extended period of time.</p> <p>May involve substantial financial costs and/or commitment of other resources to address.</p> <p>May cause substantial disruption, including short-term shutdown, to business operations.</p>
Catastrophic	<p>Will have an unrecoverable detrimental impact on:</p> <ul style="list-style-type: none"> • health and safety, such as multiple fatalities or significant irreversible effects on the health of a large number of people • environment (including flora, fauna and ecosystems), such as loss of species, endangered community and/or critical habitat • Aboriginal and non-indigenous cultural heritage and/or historic heritage, such as loss of human remains or similarly significant cultural material, or permanent loss of access to culturally significant places or species or permanent loss of culturally significant information impacting on the ability of a group to retain and practice culture. <p>May involve major prosecutions with substantial fines or other penalties, or very serious litigation, such as class actions.</p> <p>May attract national and international media or political attention for a protracted period of time.</p> <p>May involve extremely high financial costs and/or commitment of other resources to address.</p> <p>May cause long-term or permanent shutdown of significant revenue generating business operations.</p>

Step 4: Rate the overall project risk

Once values for probability and consequence have been selected, the level of risk can be determined. This rating is based on OEH's risk management procedures risk matrix (Table 7). Match the probability (step 2) with the consequence (step 3) to determine the level of risk.

Table 7: Risk rating matrix

		Consequence*				
		Insignificant	Minor	Moderate	Major	Catastrophic
Probability	Likely	L	M	E	E	E
	Probable	L	M	H	E	E
	Possible	L	L	M	H	E
	Unlikely	L	L	M	M	H
	Rare	L	L	M	M	M

* L = low, M = medium, H = high, E = extreme

Building and infrastructure projects that have a level of risk of either high or extreme should follow the works certification processes in the *Construction Assessment Procedures*.

Risk assessment template for building and infrastructure works

Use this template to assist in deciding whether:

- an existing building or infrastructure asset should be brought into total or partial conformity with relevant standards when undergoing alterations and additions
- infrastructure works with a capital value less than \$200,000 warrant certification using the procedures.

Project title	
Location	
Project manager	
Risk assessment	
Step 1: Identify the risks	
Hazards	
Events	
Consequences	
Causes	
Controls	
When will risk occur?	

Briefly summarise the risk. For example: the {hazard} could lead to an {event} resulting in {consequences}.	
Step 2: Determine the probability of risk	<input type="checkbox"/> likely <input type="checkbox"/> probable <input type="checkbox"/> possible <input type="checkbox"/> unlikely <input type="checkbox"/> rare
Step 3: Determine the consequence of risk	<input type="checkbox"/> insignificant <input type="checkbox"/> minor <input type="checkbox"/> moderate <input type="checkbox"/> major <input type="checkbox"/> catastrophic
Step 4: Rate the overall project risk	Match the probability (step 2) with the consequence (step 3) and refer to the risk matrix in Table 7. <input type="checkbox"/> low <input type="checkbox"/> medium <input type="checkbox"/> high <input type="checkbox"/> extreme
Result	
Low- and medium-rated projects will not require certification in accordance with the <i>Construction Assessment Procedures</i> , but must still be undertaken in accordance with the BCA and Australian Standards.	
High and extreme rated projects will require certification in accordance with the <i>Construction Assessment Procedures</i> .	
Risk assessment completed by:	
Name:	
Position:	
Signature:	
Date:	

Appendix C: BCA building classes

The BCA uses the following building classifications.

Class 1: one or more buildings which in association constitute:

(a) Class 1a – a single dwelling being:

- (i) a detached house
- (ii) one of a group of two or more attached dwellings, each being a building, separated by a fire-resisting wall, including a row house, terrace house, town house or villa unit.

(b) Class 1b – a boarding house, guest house, hostel or the like:

- (i) with a total area of all floors not exceeding 300 m² measured over the enclosing walls of the Class 1b, and
- (ii) in which not more than 12 persons would ordinarily be resident, which is not located above or below another dwelling or another class of building other than a private garage.

Class 2: a building containing two or more sole-occupancy units each being a separate dwelling.

Class 3: a residential building, other than a building of Class 1 or 2, which is a common place of long term or transient living for a number of unrelated persons, including:

- (a) a boarding house, guesthouse, hostel, lodging house or backpacker accommodation
- (b) a residential part of a hotel or motel
- (c) a residential part of a school
- (d) accommodation for the aged, children or people with disabilities
- (e) a residential part of a health-care building which accommodates members of staff
- (f) a residential part of a detention centre.

Class 4: a dwelling in a building that is Class 5, 6, 7, 8 or 9 if it is the only dwelling in the building.

Class 5: an office building used for professional or commercial purposes, excluding buildings of Class 6, 7, 8 or 9.

Class 6:⁵ a shop or other building for the sale of goods by retail or the supply of services direct to the public, including:

- (a) an eating room, cafe, restaurant, milk or soft-drink bar
- (b) a dining room, bar, shop or kiosk part of a hotel or motel
- (c) a hairdresser's or barber's shop, public laundry, or undertaker's establishment
- (d) market or sale room, showroom, or service station.

Class 7: a building which is:

- (a) Class 7a – a carpark
- (b) Class 7b – used for storage, or display of goods or produce for sale by wholesale.

⁵ This definition is specific to NSW.

Class 8: a laboratory, or a building in which a handicraft or process for the production, assembling, altering, repairing, packing, finishing, or cleaning of goods or produce is carried on for trade, sale, or gain.

Class 9: a building of a public nature:

- (a) Class 9a – a health-care building, including those parts of the building set aside as a laboratory
- (b) Class 9b – an assembly building, including a trade workshop, laboratory or the like in a primary or secondary school, but excluding any other parts of the building that are of another class
- (c) Class 9c – an aged care building.

Class 10: a non-habitable building or structure:

- (a) Class 10a – a non-habitable building being a private garage, carport, shed, or the like
- (b) Class 10b – a structure being a fence, mast, antenna, retaining or free-standing wall, swimming pool, or similar.

Appendix D: Checklist for work covered by the Park Facilities Manual

- Has any necessary environmental impact assessment been undertaken (such as a REF or CRA for exempt development)?
- Have any necessary approvals been obtained (for example Aboriginal or historic heritage permits)?
- For new sites, expansion of existing sites or existing sites where more than 50% of the built elements are to be replaced, has a site or precinct plan been prepared?
- Is the project consistent with any draft or adopted plan of management?
- Is the project consistent with any Branch Visitation Management Plan or Conservation Management Plan?
- Have the principles for the design of park facilities been considered?
- Has consideration been given to the facilities selection process, including an assessment of environmental conditions and visual setting?
- Will the facility be constructed in accordance with the standard designs and technical sheets in the *Park Facilities Manual*?
- If a variation is required to the standard designs and technical sheets has this been approved in accordance with the process in the *Park Visitor Facilities Policy*?
- Does the *Park Facilities Manual* have any specific design or assessment requirements for the facility (for example, certain types of viewing platforms require a geotechnical assessment)?
- If so, does the facility comply with these requirements?