

# Development Consent

Section 4.16 of the *Environmental Planning and Assessment Act 1979*

I, the Executive Director, Asset Management and Environmental Services of the Sydney Olympic Park Authority (SOPA), pursuant to sections 4.16 and 4.17 of the *Environmental Planning and Assessment Act 1979*, Clause 22 of the *Sydney Olympic Park Authority Act 2001*, and in accordance with the delegations invested to my office by the Minister for Planning, grant development consent to the development referred to in **Schedule 1**, subject to the conditions in **Schedule 2**.

These conditions are required to prevent, minimise, and/or offset adverse environmental impacts and to capture fire and life safety as well as health and amenity requirements.



**John Ferguson**

Executive Director, Asset Management and Environmental Services  
Sydney Olympic Park Authority

**Date:** 14/03/2023

---

## SCHEDULE 1

<b>Development Application:</b>	DA 07-11-2022
<b>Application made by:</b>	Centuria Capital
<b>To:</b>	Sydney Olympic Park Authority
<b>In respect of:</b>	8 Australia Avenue, Sydney Olympic Park, NSW 2127
<b>For the following:</b>	Fitout and Operational Use of Existing Rooftop Area and Extension of a Lift Shaft of the Existing Mixed-Use Building
<b>Determination:</b>	Consent granted subject to the conditions in the attached (Schedule 2)
<b>Date of commencement of consent</b>	This development consent commences on the date identified on this consent
<b>Advisory Notes</b>	<p>The Applicant is solely responsible for any additional consents and agreements that are required from other authorities.</p> <p>The Applicant has the right to appeal to the Land and Environment Court in the manner as set out in the <i>Environmental Planning and Assessment Act 1979</i>, and the Environmental Planning and Assessment Regulations 2000 (as amended).</p>

**SCHEDULE 2**  
**CONDITIONS OF CONSENT**  
**DEVELOPMENT APPLICATION NO. 07-11-2022**

**PART A – APPROVED DEVELOPMENT**

**A1 Development Description**

Development Consent is granted only to carrying out of the development as described, and at the premises referred to in **Schedule 1** above.

The conditions of this consent do not relieve the proponent of its obligations under the *Environmental Planning and Assessment Act 1979* and any other Act.

**A2 Development in Accordance with Plans**

The development must be undertaken in accordance with the following stamped drawings:

<b>Plans prepared by Bates Smart</b>			
Name of Plan	Drawing Reference	Revision	Date
Site Analysis	C1	C	24/08/2022
Rooftop Terrace	C2	C	24/08/2022
Elevations 1	C2	C	24/08/2022
Elevations 2	C3	C	24/08/2022
Sections	C4	C	24/08/2022
Materials and Finishes	C5	C	24/08/2022
Detail for Furniture Fixing, prepared by Partridge, 20 December 2022			
Statement of Environmental Effects by Willowtree Planning, 8 <sup>th</sup> September 2022			
Operational Plan of Management by Centuria (undated) received on 8 April 2023			
Waste Management Plan by Wasteflex, 9 <sup>th</sup> September 2021			
Access Statement by Design Confidence, Ref: P221-539-2, dated: 2 <sup>nd</sup> February 2023			
BCA Capability Statement by MBC Group, Ref: 22000768, dated: 5 <sup>th</sup> December 2022			
Structural Assessment by Partridge, 8 <sup>th</sup> December 2022			

These conditions of consent do not relieve the proponent of its obligations under the *Environmental Planning and Assessment Act 1979*, and any other Act.

**Except for:**

- Any modifications as may be necessary for the purpose of compliance with the current National Construction Code/Building Code of Australia (NCC/BCA) and any of the adopted Australian Standards under the provisions of the NCC/BCA;
- SOPA's current policies, guidelines and manuals;
- Otherwise as marked in red on the approved plans and/or provided by the Conditions of this Approval;
- Otherwise as necessary to comply with other NSW and Commonwealth legislation;
- Otherwise agreed to, or accepted by SOPA's Director, Environment and Planning.

### **A3 Inconsistency Between Documents**

In the event of any inconsistency between Conditions of this Approval and the details referred to Condition No. A2, the Conditions of this consent prevail.

### **A4 Lapsing of Consent**

This consent will lapse five (5) years from the date of this consent unless the development has physically commenced.

### **A5 Prescribed Conditions**

The development is to comply with the prescribed conditions of development consent under Section 69 of the Environmental Planning and Assessment Regulations 2021.

### **A6 Standards and Codes**

All works shall be constructed in accordance with safe work practices and complying with the relevant adopted Australian Standards, Codes of Practice and the current Building Code of Australia requirements.

### **A7 Long Service Levy**

For work costing \$25,000 or more, a Long Service Levy shall be paid. For further information please contact the Long Service Payments Corporation on their Helpline 13 14 41.

## **PART B – CONDITIONS TO BE SATISFIED PRIOR TO THE COMMENCEMENT OF ANY CONSTRUCTION ACTIVITY**

### **B1 Construction Certificate**

A Construction Certificate is to be issued for the rooftop amenity space by an accredited certifier in accordance with the requirements set out in Section 6.4 and Section 6.7 of the Environmental Planning and Assessment Act 1979.

### **B2 Principal Certifying Authority**

New building work is not to commence until a Principal Certifying Authority (PCA) has been appointed as set out in Section 6.6 of the Environmental Planning and Assessment Act 1979.

### **B3 Structural Engineering**

The structural requirements for these building works are to be designed and certified upon completion by a competent Structural Engineer in accordance with the structural provisions contained in the current NCC/ Building Code of Australia (BCA). Any existing structures are to be assessed and certified on the structural adequacy to accommodate any proposed additional new loads.

### **B3 Waterproofing**

Prior to the issue of a Construction Certificate, waterproofing certifications for the roof are to be submitted to and approved by the Principal Certifying Authority.

### **B4 Disability Discrimination Act (DDA) Compliance**

Prior to issuing a construction certificate the proposed construction plans are to demonstrate compliance requirements for persons with a disability as contained in the Commonwealth Disability Discrimination Act-1992, Current Building Code of Australia (NCC/BCA), AS 1428.1 and the Sydney Olympic Park Authority (SOPA's) Access & Inclusion Requirements 2021, First Edition.

### **B5 Fire Safety**

The development is to comply with the provisions of the Building Code of Australia. All existing Fire Safety Measures are to be preserved within the building and maintained or upgraded if required to accommodate the proposed new roof top area. This includes considerations contained in any existing or new Fire Safety Engineering Reports. This must be carried out to the satisfaction of the certifying authority.

### **B6 Fixing of Furniture**

Prior to issuing a construction certificate the proposed construction plans are to demonstrate how all furniture (including tables, chairs and stools), planter beds, BBQ and any other ancillary equipment used for the purpose of enjoyment of the roof top amenity space will be affixed to the floating deck system as specified in the Drawing SK.2022.12.20 as prepared by Partridge Structural Pty Ltd.

## **PART C –DURING CONSTRUCTION**

### **C1 Building Code of Australia**

The works associated with the roof terrace is to be undertaken in accordance with the current Building Code of Australia (BCA) and any relevant adopted Australian Standards, including but not limited to:

- a) All balustrading and waterproofing proposed for the development; and
- b) Compliance requirements in accordance with the Australia Standard, AS/NZS3000:2007, Electrical installations (known as the Australian/New Zealand Wiring Rules).

**Note:** Sufficient information must be forwarded to the certifying authority illustrating compliance with the relevant requirements of the *Building Code of Australia* and adopted *Australian Standards*. Sufficient information may include but not limited to, reports or certifications issued by an appropriately qualified person. Please contact your relevant certifying authority to discuss requirements prior to submission of the application for construction and occupation certificate.

### **C2 Work Health and Safety Act 2011**

All works are to be carried out in accordance with the *NSW Work Health and Safety Act 2011* & the *NSW Work Health and Safety Regulations 2017*.

### **C3 No Obstruction of Public Way**

The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances unless in accordance with a Works Permit. Non-compliance with this requirement will result in the issue of a notice by the Authority to stop all work on the site.

### **C4 Hours of Construction Work**

(a) All work, including demolition, excavation and building work, and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (eg loading and unloading of goods, transferring of tools etc) in connection with the proposed development must only be carried out between the hours of 7.00am and 6.00pm on Mondays to Fridays, inclusive, and 7.00am and 1.00pm on Saturdays, and no work must be carried out on Sundays or public holidays.

(b) All work, including demolition, excavation and building work must comply with the Australian Standard 2436-2010 *Guide to Noise Control on Construction, Maintenance and Demolition Sites*.

### **C5 Compliance with Relevant Policies, Regulations and Legislation**

- a) All works to be in accordance with the *NSW, Work Health and Safety Act -2011* and the *Regulation 2017*;
- b) New pedestrian areas are to be constructed in accordance with AS/NZS 3661.2-1994 Slip resistance of pedestrian surfaces- Guide to reduction of slip hazards and AS 4586-2013, Slip resistance classification of new pedestrian surface materials.
- c) Relevant SOPA Policies are to be implemented including *Safety Guidelines for General Event Management within Sydney Olympic Park* 3rd Edition, August 2020.

## **PART D - POST CONSTRUCTION**

### **D1 Occupation Certificate**

An Occupation Certificate is to be issued by the Principal Certifying Authority (PCA) upon completion of the roof terrace in accordance with the requirements of Section 6.9 of the Environmental Planning and Assessment Act 1979.

### **D2 Soft Landscaping**

Plant species identified as weeds in the Greater Sydney Regional Strategic Weed Management Plan 2017 – 2022 (Appendix 1 Priority weeds for the Greater Sydney Local Land Services region and Appendix 2 Other weeds of regional concern) are not permitted. The use of 600mm of high-density polystyrene foam or other similar lightweight material is required in the planter boxes, as recommended in the structural assessment provided by Partridge on the 8<sup>th</sup> of December 2022.

## **PART E – OPERATION AND USE OF THE DEVELOPMENT**

### **E1 Hours of Use**

Other than for the purpose of escape, maintenance and/or repair the rooftop amenity space shall only be used between the hours of 09:00am and 21:00pm.

### **E2 Patron Capacity**

The occupation of the proposed rooftop amenity space will be limited to a maximum of 30 people at any one time. Access to the rooftop amenity space by members of the general public is not permitted at any time.

### **E3 Plan of Management**

The use must always be operated / managed in accordance with the Plan of Management, prepared by Centuria (undated) that has been approved by SOPA. In the event of any inconsistency, the conditions of this consent will prevail over the Plan of Management.

### **E4 Outdoor Lighting**

All outdoor lighting shall comply with Australian Standard AS 4282-1997 Control of obtrusive effects of outdoor lighting.

### **E5 Fixing of Furniture**

All furniture (including tables, chairs and stools), planter beds, BBQ and any other ancillary equipment used for the purpose of patron enjoyment of the roof top amenity space shall remain fixed at all times to the floating deck below and retained in this location in perpetuity.

---

**END OF CONSENT**