



Development Consent

Section 80 of the *Environmental Planning and Assessment Act 1979*

I, the Executive Manager, Urban Planning and Design of the Sydney Olympic Park Authority, pursuant to section 80(1) and 80(A) 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.

Andrew Brown
Executive Manager, Urban Planning and Design
Sydney Olympic Park Authority

Date: 03/04/2012

Ref: DA 03-03-2012
(File No. F12/289)

Schedule 1

Development Application:	DA 03-03-2012
Application made by:	Inset Group
To:	Sydney Olympic Park Authority
In respect of:	Lot 88 DP 870992
For the following:	Retail Use and fitout of upper ground floor lobby area as a Café including business identification signage
Determination:	Consent granted subject to conditions in the attached Schedule 2
Classification of Building under BCA 2010	Class 6, Retail
Date of commencement of consent	This development consent commences on the date identified in the formal notification letter accompanying the Notice of Determination
Advisory Notes	The Applicant is solely responsible that all additional consents and agreements are obtained from other authorities as relevant The Applicant has right to appeal to the Land and Environment Court in the manner as set out in the Environmental Planning and Assessment Act 1979, and the Environmental Planning and Assessment Regulations 2000 (as amended)

SCHEDULE 2
CONDITIONS OF CONSENT
DEVELOPMENT APPLICATION NO. 03-03-2012

(FILE NO. 12/289)

PART A – ADMINISTRATIVE CONDITIONS

A1 Development Description

Development approval is granted only to carrying out of the development described below:

- 1 Alterations and additions to part of the Upper Ground Floor of 5 Murray Rose Avenue, Sydney Olympic Park to fit out and operate a food premises to be known as Café 5. The proposed development includes new kitchen fit out, and signage. The works would be carried in accordance with the plans prepared by Inset Group.

A2 Development in accordance with Plans

The development shall be generally in accordance with Development Application number 03-03-2012 received by the Authority 13 March 2012, and in accordance with the supporting documentation submitted with that application, including, but not limited to, the following:

Plans prepared by Inset Group			
Drawing Ref	Revision	Name of Plan	Date
03762D	C	Café on Five	08/03/2012
Template Statement of Environmental Effects prepared Inset Group dated 29 February 2012			

Except for:

1. Any modifications as may be necessary for the purpose of compliance with the BCA and any Australian Standard incorporated in the BCA;
2. Otherwise provided by the Conditions of this Approval;
3. Otherwise as necessary to comply with other NSW and Commonwealth legislation.

A4 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 Approval prevail.

A5 Commencement of works

The development must physically commence within 5 years and substantially commence within 7 years of determination date of DA 03-03-2012.

A6 Prescribed Conditions

The development is to comply with the prescribed conditions of development consent under Clause 98 of the *Environmental Planning and Assessment Regulations 2000*.

A7 Critical stage inspections

The *Environmental Planning and Assessment Act 1979* section 109E (3) (d), requires that inspections be carried out by the Principle Certifying Authority (PCA) or another Accredited Certifier with the prior consent of the PCA.

PART B – PRIOR TO CONSTRUCTION

B1 Construction Certificate

A Construction Certificate is to be issued for the new building work by an accredited certifier in accordance with the requirements set out in Section 81A of the Environmental Planning and Assessment Act 1979.

B2 Principle Certifying Authority

The new building work is not to commence until a Principal Certifying Authority has been appointed for the new building work as set out in Section 81A of the *Environmental Planning and Assessment Act 1979*.

B3 Accessibility

Prior to issuing a construction certificate the proposed construction plans are to demonstrate compliance of the provisions for persons with a disability with the requirements of AS 1428.1 and SOPA's *Access Guidelines 2011*.

B4 No Obstruction of Public Domain without a Works Permit

Prior to issuing a construction certificate, if required, the proponent is to obtain a Work Permit to occupy the public way, footpaths, road reserves and the like, which must not be obstructed by any mobile cranes, materials, vehicles, refuse, skips or the like, under any circumstances, unless in accordance with the 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.

Note: further information on Work Permits can be obtained from www.sydneyolympicpark.com.au.

PART C – DURING CONSTRUCTION

C1 No Obstruction of Public Way

The public way and road reserves 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.

Note: further information on Work Permits can be obtained from www.sydneyolympicpark.com.au.

C2 Essential Safety

The fit-out is required to be in accordance with the provisions of the Building Code of Australia 2011 (BCA). All existing base building Essential Safety measures including all the required exits are to be preserved within the base building areas and maintained or upgraded if required to accommodate the proposed new fit-out.

C3 Fit out in accordance with the *Building Code of Australia*

The fit-out is to be in accordance with the provisions of the current *Building Code of Australia* (BCA) and any relevant *Australian Standards*, including but not limited to:

1. Compliance in accordance with the requirements of Section J Energy Efficiency of the *Building Code of Australia*,
2. Compliance of food preparation areas in accordance with *AS 4674-2004 Construction and fit-out of food premises*,
3. New pedestrian areas are to be constructed in accordance with *AS/NZS 4586:2004 Slip resistance classifications of new pedestrian surface materials*.

Note: Sufficient information must be forwarded to the certifying authority illustrating compliance with the relevant requirements of the Building Code of Australia and 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.

C4 Fit out in accordance NSW Work Health and Safety Act 2011

All works to be in accordance with the NSW, Work Health and Safety Act 2011 and the Regulation 2011.

C5 Mechanical Ventilation

Mechanical ventilation and exhaust is to be reviewed and upgraded if required. These systems shall comply with the requirements of clause F4.5 of the *Building Code of Australia* and its installation is to comply with *AS1668.1 – 1988*.

C6 Hours of Work

All works (including site deliveries) shall only be carried out between the following hours:

1. 7.00am to 5.00pm on Monday to Fridays (inclusive)
2. 8.00am to 2.00pm on Saturdays

3. No work on Sundays and Public Holidays (except with the prior written consent of SOPA's General Manager – Operations and Sustainability).

PART D – PRIOR TO OCCUPATION**D1 Occupation certificate**

An Occupation Certificate is to be issued by the Principal Certifying Authority (PCA) upon completion of the new fit-out building works in accordance with the requirements of Section 109H and 109M of the Environmental Planning and Assessment Act 1979.

D2 Notification of NSW Food Authority

Prior to the commencement of food handling operations, the proprietor must notify the NSW Food Authority of the following information including:

1. Contact details for the food business, including the name and address of the business and proprietor of the business
2. The nature of the food business
3. The location of any other food premises associated with the food business, within the jurisdiction of NSW Health.

D3 Fire Safety

All fire safety measures serving the building are to be certified to the relevant local Consent Authority (Auburn Council) as being maintained in accordance with the requirements of the Building Code of Australia and Environmental Planning and Assessment Act 1979 and Regulations on a yearly basis within 12 months after the date on which the initial Fire Safety Certificate is issued.

D3 Proponent to pay for any damage to footpath or public assets

The cost of repairing any damage caused to Sydney Olympic Park Authority or other Public Authority's assets in the vicinity of the subject site as a result of construction works associated with the approved development, is to be met in full by the Proponent/developer prior to the issue of the final Occupation Certificate.

PART E – DURING OCCUPATION

E1 Annual Fire Safety Statement

All fire safety measures serving the building are to be certified to the relevant local Consent Authority (Auburn Council) as being maintained in accordance with the requirements of the Building Code of Australia and *Environmental Planning and Assessment Act 1979* and Regulations on a yearly basis within 12 months after the date on which the initial Fire Safety Certificate is issued.

E2 Hours of Opening

The hours of opening shall be restricted to between 6:00 am to 5:00 PM (Monday to Sunday).

Note: Hours of opening may be extended to facilitate and support Major Events on major event days only.

E3 Loading and Unloading

All loading and unloading service vehicles in connection with the use of the premises shall be carried out within the designated loading dock only.

Loading and unloading of goods and waste to and from the shop must be carried out in a responsible manner and not to unduly interfere with building, shop or pedestrian function or amenity.

E4 Waste Management

No waste is to be stored on the footpaths or public domain areas of Sydney Olympic Park. All waste is to be stored and disposed from within the base building's waste storage room.

E5 Intruder Alarm

Intruder alarm/s associated with the development is permitted to operate only in accordance with the requirements of Clause 53 of the *Protection of the Environment Operations (Noise Control) Regulation 2000* under the *Protection of the Environment Operations Act 1997*.

E6 Signage Illumination

Illuminated signs associated with the premises shall not flash intermittently or cause significant glare or injury to the amenity of the public domain or persons. If, in the opinion of Sydney Olympic Park Authority, injury is likely to be caused, the intensity, period of intermittency and hours of illumination may be varied to the satisfaction of Sydney Olympic Park Authority.

E7 No Obstruction of Public Way

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

Note: further information on Work Permits can be obtained from www.sydneyolympicpark.com.au.

E8 No 3rd party advertising or shop product promotional display on shop front windows

The shop front window is to remain free of any 3rd party advertising and shop product promotional displays.