

Development Consent

Section 4.16 of the Environmental Planning and Assessment Act 1979

I, the Director, Environment and Planning of the Sydney Olympic Park Authority, pursuant to section 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 and Public Spaces, 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.



Sally Hamilton
Director, Environment and Planning
Sydney Olympic Park Authority

Date: 31/3/2021

SCHEDULE 1

Development Application:

DA 08-10-2020

Application made by:

Kador Group Holdings Pty Ltd

To:

Sydney Olympic Park Authority

In respect of:

1 Fig Tree Drive, Sydney Olympic Park, NSW 2127

For the following:

Development comprising various site works including:

- Demolition of the existing waste room;
- Construction of a new End-of-Trip (EOT) building including new waste room;
- Alterations to the existing commercial building comprising addition of solar louvers to the north west elevation, accessible ramps to the main entry and revised car parking layout;
- Tree removal; and
- New landscaping, including pedestrian and bicycle paths.

Determination:

Consent granted subject to conditions in the attached **SCHEDULE 2**.

Date of commencement of consent

This development consent commences on the date of approval.

Advisory Notes

The Applicant is solely responsible for any additional consents and agreements that are required from other authorities.

The Applicant has the 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. 08-10-2020

PART A – ADMINISTRATIVE CONDITIONS

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.

These conditions of 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 and Documentation

The development shall be undertaken in accordance with the following approved documents:

Landscaping Drawings prepared by: The Garden Makers			
Drawing No.	Issue		Date
VARF01:PI01	B	Plant Images	03.02.2021
VARF01:PS01	C	Plant Schedule	03.02.2021
Architectural Drawings prepared by: Hames Sharley			
Drawing No.	Issue	Description	Date
FD-A100	E	Site Plan	16.09.2020
FD-A630	B	Entry Ramp Plans	28.08.2020
FD-A640	D	EoT Ground Floor Plan	16.09.2020
FD-A641	D	EoT Roof Plan	16.09.2020
FD-A642	E	EoT Elevations	28.09.2020
ASK-010	C	Southern Building Elevation	21.08.2020
Statement of Environmental Effects prepared by DFP Planning reference 21113B dated 9 October 2020			
Accessibility Compliance Statement prepared by Code Consulting reference A-39 dated 29 September 2020			
BCA Capability Statement prepared MBC Certifiers dated 6 October 2020			
Tree Survey Report prepared by Hunter Bruce dated 1 September 2020 as updated by Proposed Tree Layout received 12 February 2021			

except for:

1. any modifications which are 'Exempt and Complying Development' as identified in the relevant State Environmental Planning Policy (SEPP) or as may be necessary for the purpose of compliance with the Building Code of Australia (BCA) and any Australian Standard (AS) incorporated in the BCA;
2. otherwise provided by the Conditions of this Consent;
3. otherwise agreed in writing with SOPA's Director, Environment and Planning; and
4. otherwise as necessary to comply with other NSW and Commonwealth legislation.

A3 Inconsistency between documents

In the event of any inconsistency between Conditions of this Consent and the details referred to in 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 Proponent shall comply with the prescribed conditions of development consent under Clause 98 of the *Environmental Planning and Assessment Regulations 2000* in relation to the requirements of the BCA.

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

Compliance with Section 6.8 of the *Environmental Planning and Assessment Act 1979*; payment of the Long Service Levy payable under Section 34 of the *Building and Construction Industry Long Service Payments Act 1986* (or, where such a levy is payable by instalments, the first instalment of the levy) – All building works in excess of \$25,000 are subject to the payment of a Long Service Levy at the rate of 0.35%. Further information in this regard is available from the Long Service Payments Corporation on its helpline Ph. 13 14 41.

Compliance with the requirements of this condition must be satisfied prior to the issue of the construction certificate.

Part B – PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

B1 Structural Details

Prior to the issue of a relevant Construction Certificate, the Applicant must submit, to the satisfaction of the Certifying Authority, structural drawings prepared and signed by a suitably qualified practising Structural Engineer that demonstrates compliance with:

- compliance with the relevant clauses of the Building Code of Australia (NCC/BCA);
- 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; and
- the adequacy of the existing structure to accommodate the additional loads.

B2 Building Code of Australia (alternative solutions)

Any non-deemed to satisfy compliance issues are to be included as alternative solutions in the final design to the satisfaction of the Certifying Authority prior to the issue of a relevant Construction Certificate. A copy must be provided to SOPA.

B3 Construction Environmental Management Plan

The development shall be conducted in such a manner so as not to interfere with the amenity of the neighbourhood in respect of noise, vibration, smell, dust, waste water, waste products or otherwise.

Prior to the issue of a relevant Construction Certificate, a **Construction Environmental Management Plan** (CEMP) must be submitted to the Certifying Authority. The CEMP must address, but not be limited to, the following matters, where relevant:

- a) hours of work;
- b) 24 hour contact details of site manager;
- c) traffic management plan, in consultation with SOPA;
- d) management of dust to protect the amenity of the neighbourhood;
- e) erosion and sediment control plan;
- f) waste management plan;
- g) noise management plan;
- h) procedures for encountering groundwater during construction works including contact with NSW Department of Primary Industries- Water;
- i) measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the Subject Site;
- j) segregation and management of contaminated materials and spoil stockpiles;
- k) external lighting in compliance with *AS 4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting* (noting also that lighting must be designed and controlled to minimise artificial sky glow and adverse disturbance to fauna within Bicentennial Park and Badu Mangroves).
- l) Construction hoarding. The site must properly fenced to prevent access of unauthorised persons outside of working hours. Hoardings must be solid timber and final design reviewed by SOPA.

The CEMP must not include works that have not been explicitly approved in the development consent. In the event of any inconsistency between the consent and the CEMP, the consent prevails.

The Applicant must also submit a copy of the CEMP to SOPA prior to commencement of work. Any changes to the CEMP must be submitted to SOPA for review three weeks prior to implementation of the changes.

PART C – PRIOR TO COMMENCEMENT OF WORKS

C1 Construction Certificate

A Construction Certificate is to be issued by an Accredited Certifier in accordance with the requirements set out in Section 6.6 of the *Environmental Planning and Assessment Act 1979*. A copy of the Construction Certificate must be provided to SOPA prior to the commencement of work.

C2 Principal Certifying Authority

Works are 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*.

C3 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- 992, Current Building Code of Australia (NCC/BCA), AS 1428 Series and the current Sydney Olympic Park Authority (SOPA's) Access Guidelines & Inclusion Guidelines 2019, First Edition.

C4 Signage

Prior to the commencement of any construction work associated with the development, the Applicant shall erect a sign(s) at the construction site and in a prominent position at the site boundary where the sign can be viewed from the nearest public place. The sign(s) shall indicate:

- a) the name, address and telephone number of the Principal Certifying Authority;
- b) the name of the person in charge of the construction site and telephone number at which that person may be contacted outside working hours; and
- c) a statement that unauthorised entry to the construction site is prohibited.

The signs shall be maintained for the duration of construction works.

PART D – During Construction

D1 Development in accordance with the *Building Code of Australia*

The works must be in accordance with the current Building Code of Australia (BCA) and the adopted Australian Standards.

Note: Sufficient information must be forwarded to the PCA illustrating compliance with the relevant requirements of the current *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 PCA to discuss requirements prior to submission of the application for Construction and Occupation Certificates.

D2 Work Health and Safety Act 2011

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

D3 Demolition

All works must be in compliance with Australian Standard 2601 - The Demolition of Structures.

D4 Protection of Trees

The Applicant must ensure:

- a) no street trees are trimmed or removed unless it forms a part of this development consent or prior written approval from SOPA is obtained or is required in an emergency to avoid the loss of life or damage to property.
- b) all trees on the subject site that are not approved for removal are to be suitably protected in accordance with AS 4970:2009.

A Project Arborist of minimal AQF Level 5 qualification shall be appointed to oversee/monitor trees condition during construction, sign off on tree protection measures and carry out root pruning where required.

D5 Tree Removal

The removal works are undertaken by a qualified arborist recognised within the Australian Qualification Framework, with a minimum five years of continual experience within the industry of operational amenity arboriculture, and covered by appropriate and current types of insurance to undertake such works and in accordance with AS 4373:2007.

For the avoidance of doubt, only the trees as set out in the Proposed Tree Layout received 12 February 2021 shall be removed pursuant to this consent. Trees comprising: 1,2,3,4,5,6,7,8,9,16,17,31,32,33,45,46,47,48,53 and 54 unless otherwise agreed in writing by SOPA's Director, Environment and Planning.

A certificate of compliance from the appointed arborist shall be submitted to the certifier at completion of the works.

D6 Hours of work

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

- 7.00am to 5.00pm on Monday to Fridays (inclusive);
- 8.00am to 12.00 midday on Saturdays; and
- No work on Sundays and Public Holidays

Except otherwise within compliance with the *Environmental Planning and Assessment (COVID-19 Development – Construction Work Days) Order 2020* or any Order amending, revoking and re-enacting that Order; or with the prior written consent of SOPA's Executive Director – Operations.

A Notice/Sign showing permitted working hours and types of work permitted during those hours, including the applicant's phone number, project manager or site foreman, shall be displayed at the front of the site.

D7 Demolition material disposal

Any demolition/waste building materials that are not suitable for recycling or reuse on site, must be sent off site for reuse or disposal to a facility that can lawfully receive that waste.

D8 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 this occurs 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 about Work Permits can be obtained from www.sydneyolympicpark.com.au

Part E – PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

E1 Occupation Certificate

An Occupation Certificate must be obtained from the Certifying Authority prior to commencement of occupation or use of the whole or part of the new building. A copy of the certificate must be submitted to SOPA prior to occupation commencing.

PART F – DURING OCCUPATION AND USE

F1 Fire Safety

All fire safety measures serving the building are to be certified to the relevant Local Council Authority (City of Parramatta Council) as being maintained in accordance with the requirements of the NCC/Building Code of Australia, nominated Australian Standards, *Environmental Planning & Assessment Act 1979* and the Regulations on a yearly/annual basis within 12 months after the date on which the initial Final Fire Safety Certificate was issued.

F2 Landscaping

Any new replacement plants which die, are removed or become seriously damaged or diseased within a period of five years from the issue of the Occupation Certificate shall be replaced in the next planting season with others of a similar size and species unless an alternative variation has otherwise been agreed in writing by SOPA's Director, Environment and Planning.

END OF CONSENT