



## 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: 04/10/2011

Ref: DA 11-09-2011  
(File No. F11/936)

### Schedule 1

<b>Development Application:</b>	DA 11-09-2011
<b>Application made by:</b>	Mr Bill McGarry – Site 3 Development Company
<b>To:</b>	Sydney Olympic Park Authority
<b>In respect of:</b>	Lot 1 DP 1159930
<b>For the following:</b>	Fit Out of Child Care Centre Ground Floor, 1 Australia Avenue, Sydney Olympic Park.
<b>Determination:</b>	Consent granted subject to conditions in the attached Schedule 2
<b>Classification of Building under BCA 2010</b>	9b – Assembly Building/School & 7a – Car Park
<b>Date of commencement of consent</b>	This development consent commences on the date identified in the formal notification letter accompanying the Notice of Determination
<b>Advisory Notes</b>	<p>The Applicant is solely responsible that all additional consents and agreements are obtained from other authorities as relevant</p> <p>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)</p>

**SCHEDULE 2**

**CONDITIONS OF CONSENT**

**DEVELOPMENT APPLICATION NO. 11-09-2011**

**PART A—ADMINISTRATIVE CONDITIONS**

**A1 Development Description**

Development consent is granted only to carrying out the development described in detail below:

- (1) A Child Care Centre with a maximum of 40 places catering for 0 – 5 years of age.

**A2 Development in Accordance with Plans**

The development shall be generally in accordance with development application 11-09-2011 submitted by the applicant on 12 September 2011, and in accordance with the supporting documentation submitted with that application, including, but not limited to, the following:

<b>Plans prepared by Fortey + Grant Architecture</b>			
<b>Drawing Ref</b>	<b>Revision</b>	<b>Name of Plan</b>	<b>Date</b>
SK-01	C	Concept Design Outdoor Plan	16/08/2011
DA-01	B	Ground Floor: Childcare Fitout	15/08/2011
DA-02	A	Mezzanine: Childcare Fitout	15/08/2011
DA-006	AR	Ground Floor Plan (DA for Towers)	04/05/2007
Letter		Car Parking – Supplementary Information	15/09/2001
Email		From Ben Woods Re: Hours of Operation	22/09/2011
<b>Statement of Environmental Effects prepared by Architectus Group dated September 2011</b>			

**A3 Inconsistency between documents**

In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent prevail.

**A4 Lapsing of Consent**

The development consent shall lapse 5 years after the determination date in Part A of Schedule 1 of this consent.

**A4 Prescribed Conditions**

The Applicant shall comply with the prescribed conditions of development consent under clause 98 of the Regulation.

**END OF PART A**

## PART B—PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

### *Design Details and Changes*

#### **B1 Reflectivity**

The visible light reflectivity from building materials used on the facades of the buildings shall not exceed 20% and shall be designed so as not to result in glare that causes any nuisance or interference to any person or place. A report demonstrating compliance with these requirements is to be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.

#### **B2 Disabled Access**

Access and facilities for people with disabilities shall be provided in accordance with Part D3 of the BCA and SOPA's Access Guidelines (2011). Details are to be provided on the Construction Certificate drawings and a certificate from an appropriately qualified person certifying compliance with this condition shall be provided to the Certifying Authority, prior to the issue of a Construction Certificate.

#### **B3 Childcare Centre Regulations**

Final plans submitted as part of the Construction Certificate application will need to show and demonstrate full compliance with the Children's Services Regulation 2004, with respect to provisions relating to Child Care Centres. Full compliance with the Regulations will be required prior to occupation and operation of the premises.

### *Traffic & Parking*

#### **B4 Car Park Spaces and Dimensions**

- (1) A total of 10 spaces are to be allocated to the Child Care Centre within the site. Five (5) spaces are to be allocated for staff parking under the building and are to be clearly identified as "Child Care Centre Staff Parking", the remaining five (5) spaces are to be provided on the Parkview Street Frontage in accordance with consent *MP06\_0127 MOD 2 Mixed Use Development Site 3 SOP*. These spaces are to be maintained as "Child Care Centre Parking Drop-off and Pick-up ONLY 7 am – 9.30 am and 4.30pm to 6.30pm".
- (2) The layout of the car park shall comply with the relevant Australian Standard AS2890.1: *Parking Facilities Part 1: Off Street Parking*. All parking spaces are to be clearly identified for use exclusively by the Child Care Centre.
- (3) Details demonstrating compliance with these requirements shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.
- (4) The use of the car park area is to be for the exclusive use of the tenants of the building, with the exception of the nominated visitor spaces (including Accessible parking spaces).

#### **B5 Hours of Operation**

The child care centre's normal hours of operation are to be from 7.00 am till 7.00pm Monday to Friday.

## **Health**

### **B6 Mechanical Ventilation**

All mechanical ventilation systems shall be installed in accordance with Part F4.5 of the Building Code of Australia and shall comply with Australian Standards AS1668.2 and AS/NZ3666.1 *Microbial Control of Air Handling and Water Systems of Building*, to ensure adequate levels of health and amenity to the occupants of the building and to ensure environment protection. Details shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.

### **B7 Childcare Centre Awnings**

Prior to the release of the Construction Certificate, the Proponent is to provide details to the satisfaction of the Certifying Authority, which demonstrates that the design, material and proposed construction method of the awnings for the outdoor areas of the childcare centre are capable of withstanding an object falling from the windows and roof above the childcare centre.

## **Waste Management**

### **B8 Storage and Handling of Waste**

The design and management of facilities for the storage and handling of waste must comply with the requirements of the SOPA Sustainability Strategy. Details are to be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.

## **Ecological Sustainable Development (ESD)**

### **B9 Energy Star Rating**

The detailed design of the building shall be executed where possible in accordance with the initiatives and undertakings set out in the base building's Design Environmental Management Plan (DEMP) in accordance with the Authority's Sustainability Strategy. The base building shall achieve a minimum Australian Building Greenhouse Rating (AGBR) rating of 4.5 stars. Prior to the issue of a Construction Certificate, the Applicant shall submit to the Certifying Authority an AGBR Certificate, prepared by an accredited AGBR assessor, demonstrating compliance with the requirement of this condition.

### **B10 Water Reclamation and Management System**

Provision is made for connection to the Sydney Olympic Park Water Reclamation and Management Scheme (WRAMS) to the satisfaction of SOPA.

### **B11 Water Saving Devices**

- (1) All toilets installed within the development must be water efficient dual-flush capacity with a minimum "AAA" rating. The details must be submitted for the approval of the Certifying Authority, prior to the issue of a Construction Certificate.
- (2) All taps and shower heads installed must be water efficient with a minimum "AAA" rating. The details are to be submitted for the approval of the Certifying Authority, prior to the issue of a Construction Certificate.

### **B12 Environmentally Sustainable Design**

The development must comply with Ecological Sustainable Development principles as outlined in the *Sydney Olympic Park Environmental Guidelines*. All appliances must be

energy efficient, and non-ozone depleting/greenhouse gas warming refrigerants must be used where practicable, in accordance with *Sydney Olympic Park Environmental Guidelines* (including the Sustainability Strategy) and other relevant controls applicable to Sydney Olympic Park.

### ***B13 Compliance Report***

Prior to the issue of any Construction Certificates, the Proponent, or any party acting upon this consent, shall submit to the SOPA a report addressing compliance with all relevant conditions of this consent. The format is to reflect how each condition of consent has been met.

**END OF PART B**

## **PART C—PRIOR TO COMMENCEMENT OF WORKS**

### ***Structural Works***

#### ***C1 Erosion and Sediment Control***

An Erosion and Sediment Control Plan including soil erosion and sediment control measures designed in accordance with the document *Managing Urban Stormwater-Soils & Construction Volume 1 (2004)* by Landcom prior to the issue of a Construction Certificate.

#### ***C2 Structural Details***

Prior to the commencement of construction, the Applicant shall submit to the satisfaction of the PCA structural drawings prepared and signed by a suitably qualified practising Structural Engineer that comply with:

- (1) the relevant clauses of the Building Code of Australia,
- (2) the relevant development consent,
- (3) drawings and specifications comprising the Construction Certificate, and
- (4) the relevant Australian Standards listed in the BCA (Specification A1.3).

### ***Construction Management***

#### ***C3 Construction Management Plan***

Prior to the commencement of any works on the site, a Construction Management Plan shall be submitted to and approved by SOPA's General Manager, Operations & Sustainability. The Plan shall address, but not be limited to, the following matters where relevant:

- (1) hours of work,
- (2) contact details of site manager,
- (3) traffic management (see also C3 below),
- (4) waste management (see also C4 below),
- (5) storage of materials
- (6) security arrangements
- (7) signage

#### ***C4 Construction Waste Management Plan***

Prior to the commencement of works, the Applicant shall submit to the satisfaction of the PCA a Waste Management Plan prepared by a suitably qualified person in accordance with the requirements of the SOPA Sustainability Strategy. The Applicant shall submit a copy of the plan to SOPA.

#### ***C5 Hazardous Materials***

All hazardous materials shall be removed from the site and shall be disposed of at an approved waste disposal facility in accordance with the requirements of the relevant legislation, codes, standards and guidelines, prior to commencement of any building works. Details demonstrating compliance with the relevant legislative requirements, particularly the

method of containment and control of emissions of fibres to the air, are to be submitted to the satisfaction of the PCA prior to the removal of any hazardous materials.

**C6 Contact Telephone Number**

Prior to the commencement of the works, the Applicant shall forward to the Department and SOPA a 24 hour contact telephone number to be operated for the duration of the construction works.

**END OF PART C**

## **PART D—DURING CONSTRUCTION**

### ***Structural Works***

#### ***D1 Setting Out of Structures***

The building shall be set out by a registered surveyor to verify the correct position of each structure in relation to property boundaries and the approved alignment levels. The registered surveyor shall submit a plan to the PCA certifying that structural works are in accordance with the approved development application.

### ***Construction Management***

#### ***D2 Approved Plans to be On-site***

A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification shall be kept on the site at all times and shall be readily available for perusal by any officer of the Department, SOPA or the PCA.

#### ***D3 Temporary Toilet Facilities***

An approved temporary closet connected to the sewers of Sydney Water/the Authority, or an approved chemical closet is to be provided on the site for the use by construction workers.

#### ***D4 Site Notice***

A site notice(s) shall be prominently displayed at the boundaries of the site for the purposes of informing the public of project details. The notice(s) is to satisfy all but not be limited to, the following requirements:

- (1) Minimum dimensions of the notice are to measure 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size;
- (2) The notice is to be durable and weatherproof and is to be displayed throughout the works period;
- (3) The approved hours of work, the name of the site/project manager, the responsible managing company (if any), its address and 24 hour contact phone number for any inquiries, including construction/noise complaint are to be displayed on the site notice; and
- (4) The notice(s) is to be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the site is not permitted.

#### ***D5 Contact Telephone Number***

The applicant shall ensure that the 24 hour contact telephone number is continually attended by a person with authority over the works for the duration of the development.

#### ***D6 Dilapidation Report***

The cost of repairing any damage caused to the 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 prior to the occupation or use of the works.

#### ***D7 External Lighting***

External Lighting shall comply with AS4282: 1997 *Control of the Obtrusive Effects of Outdoor Lighting*. Upon installation of lighting, but before it is finally commissioned, the applicant shall

submit to the consent authority evidence from an independent qualified practitioner demonstrating compliance in accordance with this condition prior to the issue of a Construction Certificate. Particular attention should be given to lighting from the deck that may impact on designated ecological areas adjacent to the site and subject to light spill.

**D8 Hours of Work for Construction**

The hours of construction, including the delivery of materials to and from the site, shall be restricted as follows:

- (1) between 7:00 am and 6:00 pm, Mondays to Fridays inclusive;
- (2) between 8:00 am and 3:00 pm, Saturdays;
- (3) no work on Sundays and public holidays.

Works may be undertaken outside these hours where:

- (1) the delivery of materials is required outside these hours by the Police or other authorities;
- (2) it is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm;
- (3) the work is approved through the Construction Noise and Vibration Management Plan; or
- (4) residents and occupants of adjoining buildings likely to be affected by the works are notified of the timing and duration of these works at least 48 hours prior to the commencement of the works.

**END OF PART D**

## **PART E—PRIOR TO OCCUPATION OR COMMENCEMENT OF USE**

### ***E1 Mechanical Ventilation***

Following completion, installation and testing of all the mechanical ventilation systems, the applicant shall provide evidence to the satisfaction of the PCA, prior to the issue of the Occupation Certificate, that the installation and performance of the mechanical systems complies with:

- (1) The Building Code of Australia;
- (2) Australian Standard AS1668 and other relevant codes;
- (3) The development consent and any relevant modifications; and,
- (4) Any dispensation granted by the New South Wales Fire Brigade.

### ***E2 Structural Inspection Certificate***

A Structural Inspection Certificate or a Compliance Certificate must be submitted to the satisfaction of the PCA prior to the issue of an Occupation Certificate and/or use of the premises. A copy of the Certificate with an electronic set of final drawings (contact consent authority for specific electronic format) shall be submitted to the consent authority and to SOPA after:

- (1) The site has been periodically inspected and the Certifier is satisfied that the Structural Works is deemed to comply with the final Design Drawings; and,
- (2) The drawings listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.

### ***Sydney Water***

#### ***E3 Sydney Water***

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Coordinator. Please refer to the “Your Business” section of the web site [www.sydneywater.com.au](http://www.sydneywater.com.au) then follow the “e-Developer” icon or telephone 13 20 92 for assistance.

Following application a “Notice of Requirements” will advise of water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

The Section 73 Certificate must be submitted to the PCA prior to occupation of the development or release of the plan of subdivision.

## **Engineering**

### **E4 Operational Environmental Management Plan (OEMP)**

The applicant is required to prepare, in consultation with the Authority a detailed OEMP, which is to be submitted for the approval of SOPA's General Manager, Operations & Sustainability, prior to occupation of the premises or commencement of the use.

The Plan shall address, but not be limited to, the following matters where relevant:

1. hours of work,
2. contact details of facility manager,
3. storage of materials,
4. emergency and evacuation procedures
5. fire safety,
6. waste management and ESD initiatives specified in the Design Environmental Management Plan, and
7. lighting.

### **E5 Fire Safety Certificate**

A Fire Safety Certificate shall be furnished to the PCA for all the Essential Fire or Other Safety Measures forming part of this approval prior to issue of an Occupation Certificate. A copy of the Fire Safety certificate must be submitted to SOPA by the PCA.

### **E6 Traffic Management**

In association with an Operational Environmental Management Plan, the Proponent is to incorporate a section that deals specifically with a traffic management plan for Special Events (as defined by SOPA) to the satisfaction of SOPA's General Manager, Operations and Sustainability.

### **E7 Car Parking Restrictions**

The on-site car parking spaces, exclusive of service and visitor spaces, are not to be used by those other than an occupant or tenant of the subject building. Any occupant, tenant, lessee or registered proprietor of the development site or part thereof shall not enter into an agreement to lease, license or transfer ownership of any car parking spaces to those other than an occupant, tenant or lessee of the building.

These requirements may be enforced through any of the following:

- (1) Restrictive covenant placed on title pursuant to Section 88B of the *Conveyancing Development Act 1919*; or
- (2) Restriction on use under Section 68 of the *Strata Schemes (Leasehold Development) Act 1986* to all lots comprising in part or whole car parking spaces; and
- (3) A sign visible at exits (excluding fire stairs and individual unit entries) from car parking areas clearly defining the use of space allocation.

These requirements are to be made to the satisfaction of SOPA's General Manager, Operations and Sustainability. All cost are to be borne by the Proponent in this regard.

### **E8 Workplace Travel Plan**

A workplace travel plan is to be prepared and approved by the SOPA's General Manager, Operations and Sustainability that demonstrates the promotion and use of public transport by the employees of the site.

**E9 Structural Inspection Certificate**

A Structural Inspection Certificate or a Compliance Certificate for any structural work is to be submitted to the satisfaction of the PCA prior to the issue of the Occupation Certificate.

**E10 Mechanical Ventilation**

Following completion, installation and testing of all the mechanical ventilation systems, the applicant shall provide evidence to the satisfaction of the PCA, prior to the issue of the Occupation Certificate, that the installation and performance of the mechanical systems complies with:

- (5) The Building Code of Australia;
- (6) Australian Standard AS1668 and other relevant codes;
- (7) The development consent and any relevant modifications; and,
- (8) Any dispensation granted by the New South Wales Fire Brigade.

**END OF PART E**

## **PART F—POST OCCUPATION**

### **F1 Noise Control – Plant and Machinery**

Noise associated with the operation of any plant, machinery or other equipment on the site, shall not give rise to any one or more of the following:

- (1) Transmission of “*offensive noise*” as defined in the *Protection of the Environment Operations Act 1997* to any place of different occupancy.
- (2) A sound pressure level at any affected property that exceeds the background (IA90, 15 minute) noise level by more than 5dB(A). The background noise level must be measured in the absence of noise emitted from the premises. The source noise level must be assessed as a LAeq, 15 minute.

### **F2 Annual Fire Safety Statement**

An Annual Fire Safety Statement must be provided to the Authority and the NSW Fire Brigade commencing within 12 months after the date on which the consent authority initial Fire Safety Certificate is received.

**END OF PART F**

## ADVISORY NOTES

### ***AN1 Construction Certificate***

It is required that a copy of the Construction Certificate be submitted to SOPA from an Accredited Certifier. The plans submitted for the Construction Certificate may need to be amended to incorporate compliance with any conditions required by the development consent.

Under the Building Code of Australia, the proposal attracts a classification of:

Class 5 – Office

Class 7a – Car Park

Class 9b – Child Care Centre

### ***AN2 Requirements of Public Authorities for Connection to Services***

The applicant shall comply with the requirements of any public authorities (e.g. Energy Australia, Sydney Water, Telstra Australia, AGL, etc) in regard to the connection to, relocation and/or adjustment of the services affected by the construction of the proposed structure. Any costs in the relocation, adjustment or support of services shall be the responsibility of the applicant. Details of compliance with the requirements of any relevant public authorities are to be submitted to the satisfaction of the PCA prior to the issue of the Construction Certificate.

### ***AN3 Compliance with Building Code of Australia***

The proposal is required to comply with the provisions of the Building Code of Australia (BCA) and the Environmental Planning and Assessment Act 1979 and Regulations. A Fire Safety Measures Schedule is required to accompany the Construction Certificate.

### ***AN4 Section J of the BCA – Energy Efficiency***

Details are to be provided as to how compliance with Section J1 – Building Fabric is to be ultimately achieved.

### ***AN5 Critical Stage Inspections***

The following are Critical Stage inspections as defined in the EP&A Regulation, 162A, Critical stage inspections required by section 109E (3) (d).

- (1) At the commencement of building works, and
- (2) prior to covering any stormwater drainage connections, and
- (3) after the building work has been completed and prior to any occupation certificate being issued in relation to the building.

### ***AN6 Noise Generation***

Any noise generated during the construction of the development shall not exceed the limits specified in the *Protection of the Environment Operations Act, 1997* or exceed approved noise limits for the site.

***AN7 Compliance with Conditions***

The applicant will be required to submit, documentary evidence that the property has been developed in accordance with plans approved by Development Application No. 11-09-2001 and of compliance (or a Compliance Certificate) with the conditions of that consent.

***AN8 Temporary Structures***

All Temporary Structures shall be in accordance with the NSW SEPP (Temporary Structures 2007).

This is to be performed to the satisfaction of the PCA.