

Development Consent

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

I, the Chief Executive Officer, 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, 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.



Charles Moore
Chief Executive Officer
Sydney Olympic Park Authority

Date: 25 March 2019

SCHEDULE 1

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| Development Application: | DA 12-11-2018 |
| Application made by: | Little Zak's Academy Pty Ltd |
| To: | Sydney Olympic Park Authority |
| In respect of: | 4 Murray Rose Avenue, Sydney Olympic Park NSW 2127 |
| For the following: | Fitout of tenancies 1.2 and 4 for use as a Child Care Centre with 86 places |
| 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 | <p>The Applicant is solely responsible for ensuring 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 <i>Environmental Planning and Assessment Act 1979</i>, and the <i>Environmental Planning and Assessment Regulation 2000</i> (as amended)</p> |

SCHEDULE 2
CONDITIONS OF CONSENT
DEVELOPMENT APPLICATION DA 12-11-2018

PART A – ADMINISTRATIVE CONDITIONS

A1 Development Description

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

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

A2 Development in Accordance with Plans & Documentation

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

| Architectural Drawings prepared by Architex: | | | |
|---|----------|----------------------------|----------|
| Drawing Ref | Revision | Name of Plan | Date |
| 02 | A | Site Plan | 27.06.18 |
| 03 | A | Basement | 27.06.18 |
| 04 | A | Floor Plan | 27.06.18 |
| 05 | A | Floor Plan Calculations | 27.06.18 |
| 06 | A | Section Detail | 27.06.18 |
| Landscape Plans prepared by Greenland Design: | | | |
| 1953.GD.01 | A | Proposed Outdoor Play Area | 05.11.18 |
| 1953.GD.02 | A | Details and Specifications | 05.11.18 |
| Statement of Environmental Effects prepared by Think Planners, dated 20 November 2018 | | | |
| Traffic Impact Assessment prepared by TEF Consulting, dated 15 November 2018 | | | |
| Environmental Noise Assessment, Revision A, prepared by Day Design Pty Ltd, dated 11 January 2019 | | | |
| Waste Management Plan prepared by Dickens Solutions Pty Ltd, dated November 2018 | | | |
| Access Review Report prepared by Loka Consulting Engineers Pty Ltd, dated 14 November 2018 | | | |

except for:

1. any modifications 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 Approval;
3. otherwise as necessary to comply with other NSW and Commonwealth legislation as relevant.

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 Part 6, Division 8A of the *Environmental Planning and Assessment Regulation 2000*.

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 Critical Stage Inspections

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

A8 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.

A9 Number of Car Spaces

A minimum of ten (10) off-street car parking spaces must be provided at basement level for the sole use of the child care centre. A minimum of two (2) spaces must be designated exclusively for pick-up and drop-off and must be appropriately signed as such.

The layout and design of the car parking areas (including driveways, grades, turn paths, sight distance, aisle widths and lengths and parking bay dimensions) must be in accordance with Australian Standard AS 2890 – *Parking Facilities*, Parts 1, 2 and 6.

PART B – PRIOR TO CONSTRUCTION

B2 Structural Certification

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 demonstrate compliance with:

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

B3 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's Senior Manager, Planning.

B4 Construction Environmental Management Plan

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) Construction traffic management plan, prepared in consultation with SOPA's Manager, Operations;
- d) protection of adjoining properties; and
- e) a construction waste management plan.

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 submit a copy of the CEMP to SOPA's Senior Manager, Planning prior to commencement of work.

B5 Access for People with Disabilities

Prior to issue of a Construction Certificate, the construction plans must demonstrate compliance with the requirements for persons that have a disability in accordance with the provisions of the BCA, AS 1428.1 and the Authority's *Access Guidelines 2011 3rd Edition*. The Certifying Authority must ensure that evidence of compliance with this condition from an appropriately qualified person is provided and that the requirements are referenced on any Construction Certificate drawings including how the proposed development integrates into the town centre with compliant paths of travel and services.

B6 Compliance with the Education and Care Services National Law & Regulation

Prior to the issue of a Construction Certificate, the Applicant must provide certification from a suitably qualified professional to the Certifying Authority that the design of the Child Care Centre complies with the requirements of the *Education and Care Services National Law & the Regulation*.

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's Senior Manager, Planning prior to the commencement of work.

C2 Principal Certifying Authority

Works must not 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*.

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 and relevant SOPA policies, guidelines and manuals.

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 Hours of Work

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

- 7.00am to 6.00pm on Monday to Fridays (inclusive)
- 7.00am to 3.00pm on Saturdays
- No work on Sundays and Public Holidays (except with the prior written consent of SOPA's Director – Environment and Planning).

D5 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

D6 Fire Safety

All existing base building Essential Fire 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.

PART E – PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

E1 Occupation Certificate

An Occupation Certificate must be obtained from the Certifying Authority upon completion of the new building works and prior to commencement of use in accordance with Section 6.9 of the *Environmental Planning and Assessment Act 1979*. A copy of the Occupation Certificate must be submitted to SOPA's Senior Manager, Planning.

E2 Structural Inspection Certificate

A **Structural Inspection Certificate** or a **Compliance Certificate** must be submitted to the satisfaction of the Certifying Authority prior to the issue of any Occupation Certificate and/or use of the premises. A copy of the Certificate with an electronic set of final drawings (contact SOPA for specific electronic format) shall be submitted to SOPA's Manager, Building Services after:

- 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
- the drawings listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.

E3 Repair of Damage (Roads and Public Domain)

Any public footways, footpaving, kerbs, gutters and road pavement damaged during the works are to be immediately repaired following any damage, to a satisfactory state that provides for safe use by pedestrians and vehicles. Full restoration of the damage is to be carried out to SOPA's satisfaction prior to the issue of any occupation certificate in respect of the development.

E4 Acoustic Certification

Prior to the issue of an Occupation Certificate, the applicant must provide certification from a suitably qualified acoustic engineer to the Certifying Authority, that:

- a) Noise associated with the proposed development will not give rise to the transmission of "offensive noise" as defined in the *Protection of the Environment Operations Act 1997* to any affected receiver.
- b) Noise associated with the proposed development will not exceed the maximum noise level criteria in Section 3 of the approved Environmental Noise Assessment, Rev Á', prepared by Day Design Pty Ltd, dated 11 January 2019.
- c) Noise intrusion from road traffic noise to outdoor play areas and indoor play and sleeping areas will not exceed the maximum noise criteria established in the NSW Road Noise Policy and Section 5 of the approved Environmental Noise Assessment, Rev Á', prepared by Day Design Pty Ltd, dated 11 January 2019.

E5 Operational Traffic Management Plan

Prior to the issue of the Final Occupation Certificate, the Applicant must prepare and submit an Operational Traffic Management Plan (OTMP). The OTMP must include, but is not necessarily limited to, the following:

- a) A nominated contact person who is to have authority to comply with instructions issued by SOPA's Rangers and Operations staff or the Police;
- b) Allocation of off-street parking spaces for staff;
- c) Details of how many parents and guardians will be allocated access to off-street parking spaces for pick-up and drop-off and details of how this access will be determined;
- d) Procedures for safely managing on-street pick-up and drop-off, including instructions to be provided to parents and guardians regarding appropriate parking areas.

The OTMP must be approved by SOPA's Director, Environment and Planning. This OTMP must be reviewed and approved by SOPA every 12 months unless agreed by SOPA's Director, Environment and Planning.

PART F – CONDITIONS TO BE SATISFIED DURING THE OPERATION AND USE THE DEVELOPMENT

F1 Hours of Operation

The hours of operation of the Child Care Centre shall be restricted to between 7.00 am and 6.00 pm Monday to Friday.

F2 Noise Control – General

The use of the premise must not cause nuisance, or an offensive noise as defined in the *Protection of the Environment Operations Act 1997* to any affected receiver.

F3 Waste Management

Waste must not be stored on the footpaths or public domain areas of Sydney Olympic Park. The Proprietor must ensure that the operation of the business, including daily management of waste, is carried out in a responsible manner and does not unduly interfere with building, shop or pedestrian function or amenity.

F4 Annual Fire Safety Certificate

An annual Fire Safety Statement must be given to Council and the Fire & Rescue NSW commencing within 12 months after the date on which the initial Interim/Final Fire Safety Certificate is issued. This must ensure that the essential services installed in the building for the purpose of fire safety have been inspected and at the time of inspection are capable of operating to the required minimum standard.

F5 Operation in accordance with the Education and Care Services National Law & Regulation

The Child Care Centre must be operated in accordance with the requirements of the *Education and Care Services National Regulation*.

F6 Operation in accordance with the approved Operational Traffic Management Plan

End of Consent