

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, 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: 19 July 2021

SCHEDULE 1

Development Application:	DA 03-05-2021
Application made by:	Architecture Design Studio NSW
To:	Sydney Olympic Park Authority
In respect of:	SP101702, in 2 Figtree Drive, Sydney Olympic Park, NSW 2127
For the following:	Fitout of ground floor retail tenancy as Supermarket, Liquor store and ancillary café; inclusive of façade amendments, window decal screens and business identification signage.
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 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 <i>Environmental Planning and Assessment Regulations 2000</i> (as amended).</p>

SCHEDULE 2
CONDITIONS OF CONSENT

DEVELOPMENT APPLICATION NO. DA 03-05-2021

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:

Architectural Drawings prepared by Architecture Design Studio (NSW) PTY LTD:			
Drawing No.	Issue	Description	Date
1201	01	GROUND FLOOR / PODIUM PLAN	3/05/2021
1201	01	PROPOSED IGA ELEVATIONS	21/5/2021 received 19/7/2021
Statement of Environmental Effects - 06/05/2021 Rev 1 - Prepared by ARPS			
Noise Emission Assessment - 20210346.1/0107A/R2/LA Rev 2 – prepared by Acoustic Logic			

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 as necessary to comply with other NSW and Commonwealth legislation; or
4. As agreed in writing by SOPA's Director, Environment and Planning.

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.

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.

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); 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.

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. The 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 Guidelines 2019, First Edition.

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*.

PART D – DURING CONSTRUCTION

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

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

- Any structural requirements for these works are to be designed and certified upon completion by a competent Structural Engineer as being in accordance with the Structural provisions contained in the current National Construction Code / 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 works. This includes considerations contained in any existing or new Fire Engineers Reports for the existing building. This must be carried out to the satisfaction of the certifying authority;
- 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, BCA, NCC and the installation is to comply with AS1668.2 – 2002; and
- 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.
- The Kitchen/Cafe and (food preparation) associated areas are to be compliant with AS 4674-2004 Design, Construction and fit-out of food premises and any NSW State Food Authority Requirements.

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 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 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.

E2 Trolley Management Plan

Prior to the issue of a relevant Occupation Certificate, a Trolley Management Plan must be prepared. The Trolley Management Plan must address, but not be limited to, the following matters:

- a) Mechanisms in place to prevent trolleys from being removed from the site;
- b) Procedures in place in to retrieve trolleys in the event they have been removed from the site; and
- c) Details, including location and form of trolley storage enclosure.

The Trolley Management Plan shall be must be submitted to and approved by SOPA's Director, Environment and Planning prior to Occupation.

PART F – DURING OCCUPATION AND USE

F1 Fire Safety

Any fire safety measures serving the existing Retail Tenancies are to be certified to the relevant Local Consent Authority (Parramatta City 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 was issued.

F2 Signage Maintenance

All signage must be maintained in a manner as to not become faded, tattered, ripped or otherwise dilapidated.

F3 No Primary Cooking

There shall be no primary cooking within the ancillary café use, such that the operator shall not cook raw or fresh food on the premises.

Note: re-heating pre-prepared food, cooking sous-vide, or keeping food at an ambient temperature is not considered primary cooking for the purpose of this condition.

F4 Loading Dock

Notwithstanding the approved Acoustic Report, deliveries shall only take place between the following hours:

- 07:00 – 18:00 – seven days per week

Unless otherwise agreed in writing by SOPA's Director, Environment and Planning.

F5 Hours of Operation

The supermarket and liquor store shall operate between the following hours:

- 06:00 – 23:00 – seven days per week

Unless otherwise agreed in writing by SOPA's Director, Environment and Planning.

END OF CONSENT