

Sydney Olympic Park Authority, 7 Figtree Drive, Sydney Olympic Park NSW 2127

Mr Gary Baris Australian Catering Pty Ltd 67 Queens Road CONNELLS POINT NSW 2221

Dear Mr Baris

#### DEVELOPMENT APPLICATION NOTIFICATION DA 26-03-2010 Shop fit out, Ripe Juice Bar, Shop 6.5, 4 Dawn Fraser Avenue Sydney Olympic Park

I refer to the above development application received by Sydney Olympic Park Authority on 16 March 2010.

I am writing to inform you that the application has been granted consent, subject to conditions (refer to the attached consent).

Please note the development consent operates from the date of notification. Should you have any enquiries regarding the above matter, please contact Martin Karm, Town Planner, on 9714 7139 or via email to <u>martin.karm@sopa.nsw.gov.au</u>

Yours sincerely,

Original signed 09.04.2010

Andrew Brown Executive Manager, Urban Planning and Design

Date:

PH 9714 7137 email <u>Andrew.brown@sopa.nsw.gov.au</u>



Sydney Olympic Park Authority, 7 Figtree Drive, Sydney Olympic Park NSW 2127

# **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.

## Original signed 09.04.2010

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

Date:

Ref: DA 26-03-2010 (File No. F10/433

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	Schedule 1
Development Application:	DA 26-03-2010
Application made by:	Gary Baris, Australian Catering Pty Ltd
То:	Sydney Olympic Park Authority
In respect of:	Lot 6 DP 1130359
For the following:	Retail development involving building alterations and additions, Shop 6.5, 4 Dawn Fraser Avenue, Sydney Olympic Park.
Determination:	Consent granted subject to the conditions in the attached Schedule 2
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. 26-03-2010

# (FILE NO. 10/433)

#### Part A – Administrative Conditions

#### A1 Development Description

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

1 Alterations and additions Shop 6.5 at 4 Dawn Fraser Avenue, Sydney Olympic Park, including new kitchen, benches and display counters for a retail food and beverage outlet. The proposed development includes outdoor dining. The works would be carried in accordance with the plans prepared by Oliver Drafting Pty Ltd.

#### A2 Development in accordance with Plans

The development shall be generally in accordance with Development Application number DA 26-03-2010 received by the Authority on 16 March 2010, and in accordance with the supporting documentation submitted with that application, including, but not limited to, the following:

Plans prepar	Plans prepared by Oliver Drafting and Design				
Drawing Ref	Revision	Name of Plan	Date		
OOD100215 -A/EL		Electrical Services Drawing	15/2/10		
OOD100215 -B		Elevation 1	15/2/10		
OOD100215 -C		Elevation 2	15/2/10		
OOD100215 -D		Elevation 3	15/2/10		
OOD100215 -E		Elevation 4	15/2/10		
OOD100215 -A/HY		Hydraulic Services Drawing	15/2/10		
OOD100215 -A		Proposed Concept Drawing	15/2/10		
N/A		Equipment Schedule	N/A		
OOD100215 -A/RCP		Reflected Ceiling Plan	15/2/10		
N/A		Photomontage	23/3/10		
Statement of 1 March 2010		ntal Effects prepared by Oliver Drafting and	I Design dated		

#### 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 Conditional Advice of this Approval;
- 3. Otherwise as necessary to comply with other NSW and Commonwealth legislation,

#### A3 Inconsistency between documents

In the event of any inconsistency between Conditional Advice of this Approval and the details referred to Conditional Advice No. A2, the Conditional Advice of this Approval prevail.

## A4 Commencement of works

The development must physically commence within 5 years and substantially commence within 7 years of determination date of DA 26-03-2010.

#### A5 Prescribed Conditions

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

#### A6 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 the consent authority or an accredited certifier in accordance with the requirements set out in Section 81A of the *Environmental Planning and Assessment Act 1979*.

**Note:** Prior to issue of the Construction Certificate, sufficient information must be forwarded to the certifying authority illustrating compliance with the relevant requirements of the *Building Code of Australia*. 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 certificate.

# 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** Mechanical ventilation and exhaust

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.

## B4 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 2008*.

An accessible counter shall be provided in the fit-out with a width of at least 800mm for persons with a disability to enable service to be provided face to face for all patrons. Accessible counters and tables shall provide a height of 830-870mm with an underside clearance of at least 800-840mm for a depth of at least 620mm.

## Part C – During Construction

#### C1 Construction hours of work

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 7:00 am and 3:00 pm, Saturdays;
- (3) No work on Sundays and Public Holidays.

#### C2 Pollution management

All noise, water, waste or air pollution activities generated by the development shall be managed in general accordance with the most recent NSW Department of Environment and Climate Change guidelines and polices and relevant NSW legislation, including but not limited to, the *Protection of the Environment Operations Act, 1997*.

# C3 No Obstruction of Public Way

The public way 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 <u>www.sydneyolympicpark.com.au</u>.

#### C4 Fit out in accordance with base building Fire Engineered Design

The fit-out is to be carried out within the provisions of the base building Fire Engineered Design and shall not compromise this existing base building Fire Engineered Design. All existing base building Essential Safety measures including all the required exits are to be preserved within the base building areas and maintained and upgraded if required to accommodate the proposed new fit-out.

#### C5 Fit out in accordance with the Building Code of Australia

The fit-out is to be in accordance with the provisions of the *Building Code of Australia 2009* (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 classification 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.

# C7 Fit out in accordance Occupational Health and Safety Act 2000

All works are to be carried out in accordance with the NSW, Occupational Health and Safety Act 2000.

## Part D – Prior to occupation

#### D1 Occupation certificate

An Occupation Certificate is to be issued by the Principal Certifying Authority upon completion of the new building works in accordance with the requirements of Section 109H and109M 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 Proprietor to obtain outdoor dinning Public Risks Insurance

Prior to the commencement of operations and trading, the proprietor is to obtain Public Risk Insurance of at least \$10 million per occurrence for liabilities arising out of the proprietor's use of the outdoor dining area. Public Risk Insurance must to be maintained for the duration of approval specified for outdoor dining.

# D4 Delineation of approved outdoor dinning zone

Prior to the commencement of operations, pavement markers are to be installed on the pavement outside the tenancy to delineate the approved outdoor seating zone in accordance with specifications identified in Condition E3 and the plans shown on the Outdoor Dinning Approval 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 Display of Outdoor Dinning Approval Certificate

The provided Outdoor Dinning Approval Certificate is to be prominently displayed in a conspicuous and easily accessible place within the tenancy or on the shop front window.

## E3 Outdoor dinning specifications

Outdoor furniture must be in accordance with the following design specifications:

	Outdoor Furniture Specifications					
Tables	Tables					
Size of seating	2.0m x 1.0m for 2 seater table					
zone:	2.0 x 2.0 m for 4 seater table					
Style:	Have a surface area of 800x800 millimetres					
	Stackable					
	Suitable for exterior use					
	Fitted with adjustable feet to provide level surface					
	Be from the same family as chairs					
	Not contain any third-party advertising					
Configuration:	LEASE ZONE					
Chairs						
Style:	Stackable					
	Suitable for exterior use					
	Be of high quality commercial use, preferably framed					
	Consider a mixture of chairs with and without armrests					
	Be from the same family as tables					
	Not contain any third-party advertising					

	Outdoor Furniture Specifications				
Markers					
Style:	All approved areas for commercial outdoor dinning are required to be delineated by pavement markers. The corners of approved areas are to be delineated by 3 pavement markers (stainless steel metal studs), one fixed in the corner of the boundary and the other two pointing to the opposite boundaries, (see photograph). Fixed or unfixed commercial seating elements will not be acceptable				
	as markers for approved areas.				
	The markers must remain in place throughout the duration of the approval, and all furniture, must be kept strictly within the boundaries of the approved seating area.				
Example:	Tactile indicators used to define corner of lease area				
Heating					
Style:	The use of freestanding heaters is permitted provided that:				
	1. They do not interfere with pedestrian circulation.				
	<ol><li>Numbers are minimized through selection of models with greater coverage.</li></ol>				
	3. Heaters are stainless steel finish.				
	4. Heaters of high quality and suitable for restaurant purposes.				
	5. Are located wholly within the seating zone				
	Consideration should also be given to the use of shorter column heaters to minimise visual impact in public spaces.				
Example:					

#### E4 Outdoor dinning conditions of operation

The following applies to outdoor dinning:

- 1. The use of outdoor dinning is only allowed in conjunction with the provision of a simultaneous food service from the associated approved Ripe Juice Bar retail use;
- 2. Should the proprietor of the premises change at any time to a new business, a new development consent is required under the name of the new proprietor for outdoor dinning,
- 3. The proprietor of the premises is solely responsible for any personal injury claims arising from the use of outdoor dinning,
- 4. The use of outdoor dinning may be suspended to facilitate Major Events or for road and service works. No claim for compensation is entitled under such circumstances unless agreed to by Sydney Olympic Park Authority.
- 5. All furniture must be stackable or folded at the end of each days trade and stored in a furniture storage area inside the tenancy;
- 6. Portable signs or goods for sale or display must not be placed on the footway or other public areas;
- 7. All outdoor furniture and pavement are to be kept hygienically clean and free of food scraps;
- 8. All outdoor furniture must at all times be maintained in a physically sound and aesthetically acceptable condition,
- 9. The total number of heaters allowable in the outdoor seating zone is two (2),
- 10. Heater storage is subject to the following conditions:
  - a. Heaters must be removed and securely stored inside the restaurant at the end of each day's trade.
  - b. Heaters must be stored away from public view and the public domain (i.e. public viewing areas at the front of the premises) during summer months.
  - c. Spare gas tanks or gas cylinders must be stored away from public view and the public domain (i.e. public viewing areas at the front of the premises and outside the amenity blocks) at all times.
- 11. The proprietor is wholly responsible for the maintenance and safe usage of heaters and must do so in accordance with the *Occupational Health and Safety Act 2000*. The storage gas shall be in accordance with the current requirements of the *AS/NZS 1596 2002 "Storage and Handling of LP Gas"*, *AS 4332 2004* and "The storage and handling of gases in cylinders".
- 12. Heaters must be used to the manufacturer's specifications and are to be kept from any overhanging structures at the minimum distance specified in the specifications.
- 13. The retail shop's Emergency Management Plan is to include the usage of the heaters to maintain fire and life safety requirements for patrons.
- 14. The uses of umbrellas are not permitted in areas where cover is provided by a building awning.
- 15. The proprietor is to comply with any direction or order issued from Sydney Olympic Park Authority in regard to outdoor dinning conditions, including but not limited to, the safe usage of seating and maintenance of accessibility and pedestrian circulation zones.

**Note:** The approved use of outdoor dinning may be revoked at any time by Sydney Olympic Park Authority if the operation of outdoor seating is not carried out in a satisfactory manner.

#### E5 Hours of Opening

The hours of opening shall be restricted to between 7.00 am to 1.00 am (Monday to Sunday).

**Note:** Actual operational hours may consist of the Applicant's preferred opening hours at any time between the hours 7.00am and 1.00 am (Monday to Sunday).

#### E6 Loading and unloading

All loading and unloading service vehicles in connection with the use of the premises shall be carried out in accordance with Condition of Consent No. 80-4-2004 for 4 Dawn Fraser Avenue.

#### E7 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 in 4 Dawn Fraser Avenue waste storage room.

#### E8 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.* 



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