

## 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: 25/09/2012

Ref: DA 14-08-2012  
(File No. F12/785)

#### Schedule 1

<b>Development Application:</b>	DA 14-08-2012
<b>Application made by:</b>	Mr Ben Sahyoun
<b>To:</b>	Sydney Olympic Park Authority
<b>In respect of:</b>	Building C Abattoir Precinct, Dawn Fraser Avenue, Sydney Olympic Park Lot 150 DP 1108154
<b>For the following:</b>	Fitout and use of building as a café/bakery/bar and use of courtyard for outdoor dining
<b>Determination:</b>	Consent granted subject to conditions in the attached Schedule 2
<b>Classification of Building under BCA 2012</b>	Class 6
<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>	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 <i>Environmental Planning and Assessment Act 1979</i> , and the <i>Environmental Planning and Assessment Regulations 2000</i> (as amended)

**SCHEDULE 2**  
**CONDITIONS OF CONSENT**

**DEVELOPMENT APPLICATION NO. 14-08-2012**  
**(FILE NO. 12/785)**

**PART A – ADMINISTRATIVE CONDITIONS**

**A1 Development Description**

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

- Use and fitout of existing building as a Café/Bakery/Bar and use of courtyard for outdoor dining.

**A2 Development in accordance with Plans**

The development shall be generally in accordance with Development Application number 14-08-2012 received by the Authority 31 August 2012, and in accordance with the supporting documentation submitted with that application, including, but not limited to, the following:

<b>Plans prepared by Vagaman Associates Dated July 2012, Revision B, Sheets 1-32</b>
<b>Statement of Environmental Effects prepared by Vagaman Associates dated August 2012</b>
<b>Statement of Heritage Impact prepared by Futurepast dated August 2012</b>

**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 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.

**A3 Inconsistency between documents**

In the event of any inconsistency between Conditions of this Approval and the details referred to Condition No. A2, the Conditions 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 14-08-2012.

**A5 Prescribed Conditions**

The development is to comply with the prescribed conditions of development consent under Clause 98 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 – CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE**

**B1 Building 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 Building Code of Australia, AS 1428.1 and *SOPA's Access Guidelines 2011*.

**B2 Toilets general**

The premises are to be provided with access to adequate toilet facilities and wash hand basins for each sex in accordance with the provisions of the Building Code of Australia. Full details are to be included in the documentation for a Construction Certificate application.

**B3 Food premises standard**

The design and construction of the proposed development is to be in accordance with the relevant requirements of the *Australian Standard 4674-2004 Design, Construction and Fit-Out of Food Premises*. Full details are to be included in the documentation for the Construction Certificate application.

**B4 No Obstruction of Public Domain without a Works Permit**

Prior to issuing a Construction Certificate, if required, the proponent is to obtain a Work Permit to occupy the public way, footpaths, road reserves and the like, which must not be obstructed by any mobile cranes, materials, vehicles, refuse, skips or the like, under any circumstances, unless in accordance with the 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.

**B5 Mechanical Ventilation**

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 *AS1668.2 – 2002*.

## **PART C – CONDITIONS TO BE SATISFIED PRIOR TO THE COMMENCEMENT OF WORK AND DURING THE CONSTRUCTION PHASE**

### **C1 Demolition**

Building demolition is to be planned and carried out in accordance with Australian Standard AS 2601: 2001 - *The Demolition of Structures*.

### **C2 Demolition material not on footway**

The demolisher is to ensure that all demolition material is kept clear of the public footway and carriageway as well as adjoining premises.

### **C3 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.

### **C4 Need for hoarding**

If construction / demolition work is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or involves the need to enclose a public place, a hoarding or fence must be erected between the work site and the public place. If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place. Any such hoarding, fence or awning is to be removed when the work has been completed.

### **C5 Application for hoarding**

An application is to be made to and approved by SOPA for the erection of a hoarding or part closure of the footway prior to construction being commenced. Such overhead structure or protective fence shall comply with NSW, Work Health and Safety Act -2011 and the Regulation 2011 and any relevant approved industry code of practice. Notice of intention of commencement must be given to WorkCover New South Wales.

### **C6 Site signage**

A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:

- a) showing the name, address and telephone number of the principal certifying authority for the work, and
- b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- c) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

### **C7 Work to comply with BCA**

All building work must be carried out in accordance with the provisions of the Building Code of Australia.



**C8 WorkCover requirements**

The proposed development is to comply with all requirements of the WorkCover Authority of NSW.

**C9 Hours of Construction/Demolition work**

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

- a) 7.00am to 5.00pm on Monday to Fridays (inclusive)
- b) 8.00am to 12.00 midday on Saturdays
- c) No work on Sundays and Public Holidays (except with the prior written consent of SOPA's General Manager – Operations and Sustainability).

**C10 Construction Standards**

The fit-out is to be in accordance with the provisions of the current Building Code of Australia (BCA) and any relevant Australian Standards, including:

- a) Compliance in accordance with the requirements of Section J Energy Efficiency of the Building Code of Australia,
- b) Compliance of food preparation areas in accordance with AS 4674-2004 Construction and fit-out of food premises,
- c) New pedestrian areas are to be constructed in accordance with AS/NZS 4586:2004 Slip resistance classifications 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.

**C11 Fire Services**

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.

**C12 Structural Engineer**

All proposed structural loadbearing wall modifications are to be carried out under the supervision of a practicing Structural Engineer. These structural modifications are to be certified upon completion as sound and fit for purpose.

**PART D – CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF AN  
OCCUPATION CERTIFICATE**

**D11 Food notice to agencies**

Prior to the commencement of food handling operations, the proprietor must notify the NSW Food Authority of the following information including:

- a) Contact details for the food business, including the name and address of the business and proprietor of the business
- b) The nature of the food business
- c) The location of any other food premises associated with the food business, within the jurisdiction of NSW Health.

## **PART E – CONDITIONS TO BE SATISFIED DURING THE OPERATION AND USE OF THE DEVELOPMENT**

### **E1 Restriction - hours of operation**

The hours of operation or trading of the premises are to be not more than from:

<b>DAY</b>	<b>START</b>	<b>FINISH</b>
Monday	6:00am	10:30pm
Tuesday	6:00am	10:30pm
Wednesday	6:00am	10:30pm
Thursday	6:00am	10:30pm
Friday	6:00am	11:30pm
Saturday	6:00am	11:30pm
Sunday	6:00am	10:30pm

unless a separate application to vary the hours of operation or trading has been submitted to and approved by the relevant authority.

### **E2 Restriction – Noise**

The use and occupation of the premises, including all plant and equipment installed thereon, is not to give rise to any offensive noise, as defined under the *Protection of the Environment Operations Act 1997*, as amended.

Should an Authority consider offensive noise has emanated from the premises, the owner/occupier of the premises will be required to submit an acoustic assessment prepared by a suitably qualified acoustical consultant recommending appropriate acoustic measures necessary to ensure future compliance with this condition and will be required to implement such measures within a nominated period. Furthermore, written certification from the said consultant confirming the recommended acoustic measures have been satisfactorily implemented will be required to be submitted to SOPA prior to the expiration of the nominated period.

### **E3 Restriction – no flashing lights**

No flashing, chasing or scintillating lighting or promotional material of a visually intrusive nature is to be installed or displayed on the exterior of the premises.

### **E4 Restriction – flags/bunting**

Any flags, bunting or other promotional material of a like nature are to be arranged and properly maintained in a manner which does not detract from the appearance of the premises or the streetscape and which does not represent a hazard to the public.

### **E5 Restriction – no goods on footpath**

No goods or advertising signs are to be displayed or allowed to stand on the public footpath or street.

### **E6 Liquid waste disposal**

Any liquid wastes from the premises, other than stormwater are to be either discharged to the sewers of the Sydney Water Corporation in accordance with an approved Trade Waste Agreement or collected and disposed of by a licensed waste transport contractor in accordance with the Department of Environment and Climate Change (DECC) *Waste Classification Guidelines Part 1: Classifying Waste*, to a facility that can lawfully receive that waste.

### **E7 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.*

**E8 Signage Illumination**

Illuminated signs associated with the premises shall not flash intermittently or cause significant glare or injury to the amenity of the public domain or persons. If, in the opinion of Sydney Olympic Park Authority, injury is likely to be caused, the intensity, period of intermittency and hours of illumination may be varied to the satisfaction of Sydney Olympic Park Authority.

**E9 No 3<sup>rd</sup> party advertising or shop product promotional display on shop front windows**

The shop front window is to remain free of any 3<sup>rd</sup> party advertising and shop product promotional displays.

**E10 Outdoor dining conditions of operation**

The following applies to outdoor dining:

- a) The use of outdoor dining is only allowed in conjunction with the provision of a simultaneous food service from the associated approved Café/Bakery/Bar retail use.
- b) The proprietor of the premises is solely responsible for any personal injury claims arising from the use of outdoor dining.
- c) The use of outdoor dining 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.
- d) All furniture must be stackable or folded at the end of each days trade and stored in a furniture storage area inside the tenancy.
- e) Portable signs or goods for sale or display must not be placed on the footway or other public areas.
- f) All outdoor furniture and pavement are to be kept hygienically clean and free of food scraps;
- g) All outdoor furniture must at all times be maintained in a physically sound and aesthetically acceptable condition.
- h) The heaters allowable for this tenancy are electric or gas freestanding and must not be attached to the building. No additional heading is to be employed without modification to this consent.
- i) The proprietor is wholly responsible for the maintenance and safe usage of heaters.
- j) 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.
- k) The uses of umbrellas are not permitted in areas where cover is provided by a building awning.



- l) The proprietor is to comply with any direction or order issued from Sydney Olympic Park Authority in regard to outdoor dining 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 dining 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.

#### **E11 Licensed Area**

Licensed areas within Sydney Olympic Park can be delineated by bollards and ropes/tape, café barriers or planter boxes, all of which must be removed at the end of the days trading and stored inside the premises when not trading. Irrespective of the method used they must be located wholly within the lease area and must not protrude onto the public area. Further information on the specifications for bollards, café barriers and planter boxes can be found in the Commercial Outdoor Seating Policy available on the Sydney Olympic Park Authority website.

#### **E12 Garbage**

Adequate facilities are to be provided in a screened location within the premises for the storage of garbage, discarded or returnable packaging or other forms of trade wastes and arrangements being made for regular removal and disposal of same. The required garbage facility is to be suitable for the accommodation of Auburn Council approved wheel type bins or bulk waste containers, unless a commercial contractor is to be used. Full details are to be included in Operational Plan required under the lease provisions.

#### **E13 Deliveries**

No designated loading/unloading bay is provided with this development, therefore vehicles are to be loaded or unloaded standing wholly within on-street public parking bays. Where payment is required for these bays, no exemption is provided by this consent to the payment for parking. Under no circumstances are vehicles to be loaded or unloaded across the public footpath or in a manner which obstructs vehicular access to the site, or obstruct normal traffic flows.

## **PART F – ADVISORY MATTERS**

### **F1 Public utilities**

Any necessary alterations to public utility installations are to be at the developer/demolisher's expense and to the requirements of both SOPA and any other relevant authorities. SOPA and other service authorities should be contacted for specific requirements prior to the commencement of any works.

### **F2 Pre-construction process**

Prior to commencing any construction works, the following provisions of the Environmental Planning and Assessment Act 1979 (the 'Act') are to be complied with:

- a) A Construction Certificate is to be obtained in accordance with Section 81A(2)(a) of the Act.
- b) A Principal Certifying Authority is to be appointed and SOPA is to be notified of the appointment in accordance with Section 81A(2)(b) of the Act.
- c) SOPA is to be given at least two days notice of the date intended for commencement of building works, in accordance with Section 81A(2)(c) of the Act.

### **F3 Occupation Certificate**

An Occupation Certificate is to be issued by the Principal Certifying Authority (PCA) upon completion of the new fit-out building works in accordance with the requirements of Section 109H and 109M of the Environmental Planning and Assessment Act 1979.

### **F4 Fire Safety**

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 was issued.