

1 November 2012

Mr Kevin Lum
Director – SOP Retail Pty Ltd
Locked Bag 1451
MEADOWBANK NSW 2114

Email: rmgdesignpractice@bigpond.com
CC: kevin@waterpoint.am

NOTICE OF DETERMINATION

DA 18-10-2012 – Shop 6, 11 AUSTRALIA AVENUE SYDNEY OLYMPIC PARK

Dear Mr ~~Lum~~, *Kevin*

I refer to the abovementioned development application (DA) received by Sydney Olympic Park Authority on 31 October 2012.

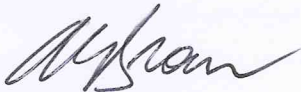
I am writing to inform you that the application has been granted consent, subject to conditions (refer to the attached consent).

Before construction works commence you must apply for a construction certificate from an Accredited Certifier. In addition, prior to works commencing, you may need to obtain a Works Permit from Sydney Olympic Park Authority for any works (e.g. storing materials, footpath occupancy etc.) in the public domain. All plans and information that form part of your detailed works must comply with the conditions of consent.

It is the responsibility of the applicant to carefully read all conditions of consent prior to preparing detailed plans and commencement of construction works.

Please note the development consent operates from the date of this notification. Should you have any enquiries regarding the above matter, please contact Dat Tran, on 9714 7139 or via email to dat.tran@sopa.nsw.gov.au.

Yours faithfully,



Andrew Brown
Executive Manager, Urban Planning and Design

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 & Infrastructure, 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: 1/11/2012

Schedule 1

Development Application:	DA 18-10-2012
Application made by:	SOP Retail Pty Ltd (Mr Kevin Lum)
To:	Sydney Olympic Park Authority
In respect of:	Lot 74 DP 1134933, Shop 6, 11 Australia Avenue, Sydney Olympic Park
For the following:	Fitout and use for purposes of a Bread, Cake & Pastry shop
Determination:	Consent granted subject to 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. 18-10-2012

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.

These conditions of this 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

The development shall be generally in accordance with Development Application No. 18-10-2012 received by the Authority on 31 October 2012, and in accordance with the supporting documentation submitted with that application, including, but not limited to, the following:

Plans prepared by RMG Design Practice for SOP Retail Pty Ltd, Drawing Nos. DA03 to DA14 (inclusive) and DA23 to DA27 (inclusive), dated 24/10/2012

Statement of Environmental Effects titled 'Australia Tower, Shop 6', Job No. 091/2012, dated October 2012
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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.

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 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 relevant prescribed conditions of development consent under Clause 98 of the *Environmental Planning and Assessment Regulations 2000*.

A6 No Cooking and Food Preparation

No cooking and/or food preparation shall be carried out within the premises.

PART B – PRIOR TO CONSTRUCTION

B1 Construction Certificate

A Construction Certificate is to be issued for the new building work by an accredited certifier in accordance with the requirements set out in Section 81A of the *Environmental Planning and Assessment Act 1979*.

B2 Principle Certifying Authority

The new building work is not to commence until a Principal Certifying Authority (PCA) has been appointed for the new building work as set out in Section 81A of the *Environmental Planning and Assessment Act 1979*.

B3 Accessibility

Prior to the issue of 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 (May 2011)*.

B4 Business Identification Signage

Prior to issuing a Construction Certificate, the Proponent shall demonstrate to the PCA that the business identification signage is consistent with the Authority's *Guidelines for Outdoor Advertising, Identification and Promotional Signage (October 2002)* and the approved plans.

B5 No Obstruction of Public Domain without a Works Permit

Prior to the issue of 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.

Note: Further information on Work Permits can be obtained from www.sydneyolympicpark.com.au.

PART C – DURING CONSTRUCTION

C1 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 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 www.sydneyolympicpark.com.au.

C2 Fit-out in accordance with base building Fire Engineered Design

The fit-out shall be carried out within the provisions of the base building Fire Engineered Design and shall not compromise the 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.

C3 Fit-out in accordance with the *Building Code of Australia*

The fit-out shall be in accordance with the provisions of the Building Code of Australia (BCA) 2012 and any relevant Australian Standards, including, but not limited to:

1. Compliance in accordance with the requirements of Section J (Energy Efficiency) of the BCA,
2. 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 BCA 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.

C4 Work Health and Safety Act 2011

All works are to be carried out in accordance with the *NSW Work Health and Safety Act 2011*.

C5 Hours of Work

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

1. 7.00am to 5.00pm on Monday to Fridays (inclusive)
2. 7.00am to 3.00pm on Saturdays
3. No work on Sundays and Public Holidays (except with the prior written consent of SOPA's General Manager – Operations and Sustainability).

C6 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 BCA and its installation is to comply with *AS 1668.1 – 1988*.

C7 Food Premises

The fit-out shall be in accordance with the requirements of the *NSW Food Act 2003*, *FSANZ Food Standards Code*, and *AS 4674-2004 (Design, Construction and Fit-out of Food Premises)*.

PART D – PRIOR TO OCCUPATION

D1 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.

D2 Proponent to pay for any damage to footpath or public assets

The cost of repairing any damage caused to Sydney Olympic Park Authority or other Public 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/developer prior to the issue of the final Occupation Certificate.

D3 Notification of NSW Food Authority

Prior to the issue of an Occupation Certificate, the Principal Certifying Authority shall be satisfied that the proprietor has notified 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, and
3. The location of any other food premises associated with the food business, within the jurisdiction of NSW Health.

D4 Mechanical Plant Noise Emissions

Prior to the issue of an Occupation Certificate, the Principal Certifying Authority shall be satisfied that noise associated with the use of mechanical plant and equipment will not give rise to any one or more of the following:

- a) Transmission of "offensive noise" as defined in the *Protection of the Environment Operations Act 1997* to any affected receiver.
- b) A sound pressure level at the boundary of the premises that exceeds the background (LA90, 15minutes) noise level by more than 5dB. The background noise level must be measured in the absence of noise emitted from the use in accordance with *Australian Standard AS1055 – 1997*.

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 Hours of Operation

The hours of opening for the business shall be restricted to between 6.00 am to 8.00 pm (Monday to Sunday).

Note: The Proprietor must ensure that the operation of the business is carried out in a responsible manner and not to unduly interfere with building, shop or pedestrian function or amenity.

E3 Loading and Unloading

All loading and unloading service vehicles in connection with the use of the premises shall be carried out within the designated loading areas only.

Loading and unloading of goods and waste to and from the shop must be carried out in a responsible manner and not to unduly interfere with building, shop or pedestrian function or amenity.

E4 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 from within the base building's waste storage room.

E5 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*.

E6 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.

E7 No Obstruction of Public Way

The public way and road reserve must not be obstructed by any materials, vehicles, refuse, skips, signs or the like, under any circumstances unless in accordance with a Works Permit or development consent. Non-compliance with this requirement will result in the issue of a notice by the Authority to stop all work on the site or penalty infringements.

Note: further information on Work Permits can be obtained from www.sydneyolympicpark.com.au.

E8 No 3rd party advertising or shop product promotional display on shop front windows

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

E8 Food and Liquid Waste

Suitably constructed waste disposal containers with secure fittings must be kept on the property for the storage of any food and liquid waste prior to final disposal.