

Development Consent

Section 80 of the *Environmental Planning and Assessment Act 1979*

I, the Chief Executive Officer 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.



Alan Marsh
Chief Executive Officer
Sydney Olympic Park Authority

Date: 29 June 2015

Ref: DA 01-02-2015
(File No. F15/201)

SCHEDULE 1

Development Application:	DA 01-02-2015
Application made by:	Ecove Group Pty Ltd
To:	Sydney Olympic Park Authority (the Authority)
In respect of:	Part Lots 73 and 75, DP 1134933
For the following:	Construction of a single storey building, its fitout and operation as an 80 place Child Care Centre
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	<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 No. 01-02-2015

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 Bates Smart:			
Drawing Ref	Revision	Name of Plan	Date
DA02.100	03	Childcare Centre Ground Level	16.01.2015
DA02.101	02	Childcare Centre Roof Level	16.01.2015
DA02.200	01	Childcare Centre West and East Elevations	16.01.2015
DA02.201	01	Childcare Centre North and South Elevations	16.01.2015
DA02.202	01	Childcare Centre Section	16.01.2015
External finishes schedule and Glazed Brickwork detail included in the <i>Site 68 Childcare Centre Sydney Olympic Park Design Report</i> (pp. 18 and 19) prepared by Bates Smart, undated.			
Statement of Environmental Effects entitled 'Site 68, Sydney Olympic Park – Childcare Centre', as prepared by Urbis, dated February 2015 (including all appendices)			

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 of determination date of DA01-02-2015, 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 Number of Car Spaces

A minimum of seventeen (17) car parking spaces are to be provided on the entry basement floor (B2) and appropriately signposted for the sole use of the Child Care Centre.

The layout and design of the car parking areas (including driveways, grades, turn paths, sight distance, aisle widths and lengths and parking bay dimensions) are to be in accordance with AS 2890 parts 1, 2 and 6.

A7 Signposting of Short-term Spaces

The short-term parking spaces located within the loop road on Site 68 shall be appropriately signposted to restrict their use and the restriction placed on the signage must be approved by the Authority prior to installation. The design associated with the loop road must be submitted to the Authority's General Manager Operations and Sustainability for approval prior to issue of the relevant Construction Certificate.

Note: These spaces are intended for shared use by all approved development on Site 68.

A8 Roof Design and Materiality

The detailed design and materiality of the Child Care Centre roof shall be resolved in consultation with the Authority prior to issue of the relevant Construction Certificate.

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 Principal 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 Structural Details

Prior to the issue of a relevant Construction Certificate, the Applicant shall submit to the satisfaction of the Certifying Authority structural drawings prepared and signed by a suitably qualified practising Structural Engineer that demonstrates compliance with:

- a) the relevant clauses of the BCA; and
- b) the development consent.

B4 Detailed Landscape Plan

A detailed Landscape Plan shall be prepared and submitted to the Authority's General Manager, Operations and Sustainability for approval prior to issue of the relevant Construction Certificate.

Note: The Plan shall include details of the shade structures to be installed within the outdoor play area and must demonstrate their efficacy in providing adequate visual screening from the adjoining residential development to the north of the site.

B5 Access for People with Disabilities

Prior to issue of a Construction Certificate the construction plans are to 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 Construction Environmental Management Plan

- (a) Prior to the issue of a Construction Certificate, a Construction Environmental Management Plan (CEMP) shall be submitted to the Certifying Authority. The Plan shall address, but not be limited to, the following matters where relevant:
- (i) hours of work;
 - (ii) 24 hour contact details of the site manager;
 - (iii) traffic management, in consultation with the Authority and TfNSW;
 - (iv) construction noise and vibration management plan, prepared by a suitably qualified person, which addresses the relevant provisions of Australian Standard 2436-2010 *Guide to Noise and Vibration Control on Construction, Demolition and Maintenance Sites*, and the *Interim Construction Noise Guideline* (Department of Environment and Climate Change, 2009);
 - (v) management of dust to protect the amenity of the neighbourhood;
 - (vi) erosion and sediment control;
 - (vii) procedures for encountering groundwater during construction works including contact with the NSW Office of Water,
 - (viii) measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the Subject Site;
 - (ix) segregation and management of contaminated materials and spoil stockpiles; and
 - (x) external lighting in compliance with AS 4282: 1997 *Control of the Obtrusive Effects of Outdoor Lighting*.
- (b) The CEMP must not include works that have been explicitly approved in the development consent. In the event of any inconsistency between the consent and the CEMP, the consent shall prevail.
- (c) The applicant shall submit a copy of the CEMP to the Authority, prior to commencement of work.

B7 Utility Services

Prior to the issue of the relevant Construction Certificate, the Applicant is to negotiate with the utility authorities (e.g. Ausgrid and Telecommunications Carriers) in connection with the relocation and/or adjustment of the services affected by the approved development.

B8 Stormwater & Drainage

Prior to the issue of a relevant Construction Certificate, details of the proposed stormwater disposal and drainage from the development is to be designed in accordance with the SOPA Stormwater Management and Water Sensitive Urban Design Policy 2013, to the satisfaction of the Authority and submitted to the Certifying Authority. All approved details for the disposal of stormwater and drainage are to be implemented in the development. In that regard the

development is to maximise the use of locally harvested rainwater captured from the building's roof and hard paved areas for all approved recycled water uses (eg irrigation, toilet flushing, car washing) prior to the use of any WRAMS as a supplementary source of recycled water.

B9 Erosion and Sediment Control

Prior to the issue of the relevant Construction Certificate, soil erosion and sediment control measures shall be designed in accordance with the document titled "*Managing Urban Stormwater – Soils & Construction Volume 1 (2004)*" by Landcom. Details are to be incorporated in the CEMP referred to in Condition B6 to the satisfaction of the Certifying Authority.

B10 Internal Acoustic Environment

The glazing specification for the child care centre shall be reviewed by a qualified acoustic consultant to ensure compliance with the relevant internal acoustic requirements within the indoor play or sleeping areas of the Centre during the hours of operation (not to exceed 40dB(A)).

B11 Mechanical Ventilation

Details of air conditioning systems or other mechanical ventilation (if any) shall be provided to the Authority's Development and Planning Unit prior to issue of the relevant Construction Certificate.

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 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.sydneypolympicpark.com.au.

C2 Development in accordance with the *Building Code of Australia*

The works shall be in accordance with the provisions of the relevant Australian Standards, including but not limited to:

1. Compliance in accordance with the requirements of Energy Efficiency
2. Compliance of the structural areas to be in accordance with AS 1170 series for structural stability and adequacy, AS 3000 Australian Wiring Standard, AS/NZS 1158.3.1:2005 Lighting for roads and public spaces – Pedestrian Area (Category P) lighting – Performance and design requirements and the like.
3. 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 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.

C3 Work Health and Safety Act 2011

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

C4 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 8:00 am and 3:00 pm, Saturdays;
- (3) No work on Sundays and Public Holidays.

Works may be undertaken outside these hours where:

- (i) The delivery of materials is required outside these hours by the Police or other authorities; or
- (ii) It is required in an emergency to avoid the loss of life, damage to property and/or to prevent adverse environmental harm; or
- (iii) The work is approved by the Authority's General Manager, Operations and Sustainability.

C5 Waste Management During Construction

- a) Prior to the commencement of any works on the Subject Site, a Construction Waste Management Plan shall prepared by a suitably qualified person in consultation with the Authority, shall be submitted to the Certifying Authority. The Plan shall address, but not be limited to, the following matters:
 - i. Recycling of demolition materials including concrete; and
 - ii. Removal of hazardous materials and disposal an approved waste disposal facility in accordance with the requirements of the relevant legislation, codes, standards and guidelines, prior to the commencement of any building works.
- b) Details demonstrating compliance with the relevant legislative requirements, associated with the removal of hazardous waste, particularly the method of containment and control of emission of fibres to the air, are to be submitted to the satisfaction of the Certifying Authority prior to the removal of any hazardous materials.
- c) The Applicant shall submit a copy of the Plan to the Department and to the Authority, prior to commencement of work.
- d) The Applicant must notify the Roads and Maritime Services Traffic Management Centre (TMC) of the truck routes(s) to be followed by trucks transporting waste material from the Subject Site, prior to the commencement of the removal of any waste material from the Subject Site.

C6 Erosion and Sediment Control

All erosion and sediment control measures are to be effectively implemented and maintained at or above design capacity for the duration of the construction works and until such time as all ground disturbed by the works has been stabilised and rehabilitated so that it no longer acts as a source of sediment.

C7 Approved Plans to be On-Site

A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification shall be kept on the Subject Site at all times and shall be readily available for perusal by any officer of the Authority or the Certifying Authority.

PART D – PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

D1 Occupation Certificate

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

D2 As-Built Plans

“As-built” plans in both PDF and CADD format of the Child Care Centre, including fixtures and services and any existing external infrastructure that has been deleted or modified is to be submitted to the Authority within 3 months of obtaining an Occupation Certificate.

D3 Operational Environmental Management Plan

The applicant is required to prepare, in consultation with the Authority a detailed OEMP which is to be submitted for the approval of the Authority’s General Manager, Operations and Sustainability, prior to occupation of the premises or commencement of the use.

The plan shall address, but not be limited to the following matters where relevant:

- a) Hours of work,
- b) Contact details of facility manager
- c) Storage of materials,
- d) Emergency and evacuation procedures,
- e) Fire safety,
- f) Waste management, and
- g) Lighting.

D4 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 approval authority for specific electronic format) shall be submitted to the approval authority and the Authority after:

- a) The site has been periodically inspected and the Certifier is satisfied that the structural works is deemed to comply with the final design drawings.
- b) The drawings listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.

D5 Fire Safety Certification

Prior to the issue of any Occupation Certificate, a Fire Safety Certificate shall be obtained for all the Essential Fire or Other Safety Measures forming part of this consent. A copy of the Fire Safety Certificate must be submitted to the relevant authority and be prominently displayed in the building.

D6 Sydney Water Compliance

A Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Coordinator. Please refer to the “Your Business” section of the web site www.sydneywater.com.au then follow the “e-Developer” icon or telephone 13 20 92 for assistance.

The Section 73 Certificate must be submitted to the Certifying Authority prior to issue of the Final Occupation Certificate.

D7 Car Parking Restrictions

The seventeen (17) on-site parking spaces located in the upper basement and designated for use by the Child Care Centre are to be maintained for the sole use of parents / carers and staff. Any occupant, tenant, lessee or registered proprietor of the development site or part thereof shall not enter into an agreement to lease, license or transfer ownership of any car parking spaces to those other than an occupant, tenant or lessee of the building.

These requirements may be enforced through any of the following:

- a) Restrictive covenant placed on title pursuant to Section 88D of the *Conveyancing Development Act 1919*; or
- b) Restriction on use under Section 68 of the *Strata Schemes (Leasehold Development) Act 1986* to all lots comprising in part or whole parking spaces; and
- c) A sign visible at exists (excluding fire stairs and individual unit entries) from parking areas clearly defining the use of space allocation.

These requirements are to be made to the satisfaction of the Authority's General Manager, Operations and Sustainability. All costs are to be borne by the Applicant.

D8 Emergency Evacuation Plan

An Emergency Evacuation Plan complying with AS3745 is to be prepared and submitted to the Certifying Authority and shall be implemented prior to the issue of an Occupation Certificate for the Child Care Centre.

The Emergency Evacuation Plan shall form part of the Operational Environmental Management Plan referred to in Condition D3 and is to particularly address:

- (a) the mobility of children and how this is to be accommodated during an evacuation;
- (b) the location of a safe congregation area, away from the evacuated building, busy roads, other hazards and the evacuation points of other residents or tenants within the building or surrounding buildings;
- (c) where the child care centre is part of a larger building or complex, consistency with other emergency evacuation plans in place; and
- (d) the supervision of children during the evacuation and at the safe congregation area with regard to the capacity of the child care centre and the child to staff ratios

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

E1 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.

E2 Signage

Any signage that does not form part of this approval is subject to a separate Development Application to be submitted to the Authority.

E3 Structural Inspection Certificate

A Structural Inspection Certificate for any structural work is to be obtained prior to occupation of the building.

PART F – ADVISORY MATTERS

F1 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 (PCA) is to be appointed and the Authority is to be notified of the appointment in accordance with Section 81A(2)(b) of the Act.
- c) The Authority 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.
- d) The proposed works are to be designed, carried out and installed in accordance with the requirements of a suitably qualified Structural Engineer.

F2 Occupation Certificate

An Occupation Certificate is to be obtained from the PCA upon completion of the works in accordance with the requirements of sections 109H and 109M of the *Environmental Planning and Assessment Act 1979*.

F3 Public utilities

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

F4 Use of mobile cranes

The Applicant shall obtain all necessary permits required for the use of mobile cranes on or surrounding the site, prior to commencement of works. In particular, the following matters must be complied with to the satisfaction of the PCA:

- a) For special operations including the delivery of materials, hoisting of plant or equipment and the like which warrant the on-street use of mobile cranes, permits must be obtained from the Authority:
 - (i) At least 48 hours prior to the works for partial road closures which in the opinion of the Authority will create minimal traffic disruptions; and
 - (ii) At least 4 weeks prior to the works for full road closures or partial road closures which in the opinion of the Authority will create significant traffic disruptions.
- b) The use of mobile cranes must comply with the approved hours of construction and shall not be delivered to the site prior to 7.30am without the prior approval of the Authority.