

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.



Charles Moore
Chief Executive Officer
Sydney Olympic Park Authority

Date: 21 December 2016

SCHEDULE 1

Development Application:	DA 16-10-2016
Application made by:	Kia Siang Maxwell Lim (Snap Fitness Olympic Park Pty Ltd)
To:	Sydney Olympic Park Authority
In respect of:	Lot 9, 10 & 11, Strata Plan 92314, No. 3 Australia Avenue, Sydney Olympic Park
For the following:	Fit-out and use of 3 x Ground Floor Tenancies (Lot 9, 10 & 11) as a 24-hour gym (Snap Fitness)
Determination:	Consent granted subject to conditions in the attached SCHEDULE 2
Date of commencement of consent:	This development consent commences on the date as signed above.
Advisory Notes	<p>The Applicant is solely responsible 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. 16-10-2016

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 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 & Documentation

The development shall be undertaken in accordance with the following plans & documents:

Architectural Plans prepared by RML Logic, Project No. HB-SF-A, Plan 1 to 7 of 7, Issue A dated 04/16
Amended Statement of Environmental Effects prepared by Willow Tree Planning, Document Ref WTJ16-176, dated 19 December 2016
Amended Plan of Management (POM) prepared by Snap Fitness, undated, received by the Authority on 19 December 2016

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 and/or amended 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 Consent and the details referred to in Condition No. A3, the Conditions of this Consent prevail.

A4 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.

A5 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.

A6 Standards and Codes

All fit-out building 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.

A7 Lapsing of Consent

This consent will lapse five (5) years from the date of this consent unless the development has physically commenced.

A8 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 *AS 1668.2 – 2002*.

END OF PART A

PART B – PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

B1 Construction Certificate

A Construction Certificate is to be issued for all works 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 Accessibility

Prior to issuing a construction certificate the proposed construction plans are to demonstrate compliance with the provisions for persons with a disability with the requirements of Building Code of Australia, AS 1428.1 and SOPA's *Access Guidelines 2015*.

B4 Construction Management Plan

Prior to the commencement of any works on the site, a Construction Management Plan (CMP) shall be submitted to the Principal Certifying Authority for approval. The CMP shall address, but not be limited to, the following matters where relevant:

- (1) hours of work,
- (2) contact details of site manager,
- (3) traffic management,
- (4) waste management,
- (5) storage of materials,
- (6) security arrangements, and
- (7) signage.

B5 Acoustic Report

Prior to the issue of a Construction Certificate, the applicant / operator shall submit an Acoustic Report prepared by a suitably qualified person to the Principal Certifying Authority for approval. The Principal Certifying Authority shall be satisfied that the Acoustic Report provides for adequate acoustic measures relevant to the use as a 24-hour gym and is consistent with current NSW legislative and regulatory requirements. All recommendations in the report shall be implemented to ensure that the noise emissions from the site will satisfy the relevant acoustic requirements to minimise impacts on neighbours & residents.

B6 Contact Telephone Number

Prior to the commencement of the works, the Applicant shall forward to SOPA a 24-hour contact telephone number for the duration of the construction works.

B7 Business Identification Signage

Prior to issuing a Construction Certificate, the Principal Certifying Authority shall be satisfied that the signage is consistent with the Authority's *Guidelines for Outdoor Advertising, Identification and Promotional Signage (October 2002)* and the approved plans.

END OF PART B

PART C – DURING CONSTRUCTION

C1 Compliance with BCA and Australian Standards

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

1. Compliance in accordance with the requirements of Section J Energy Efficiency of the *Building Code of Australia*,
2. New pedestrian areas are to be constructed in accordance with *AS/NZS 4586:2013 Slip resistance classifications of new pedestrian surface materials*,
3. Compliance requirements in accordance with AS 1170 series for structural stability and adequacy (Existing Floor Live Load Capacities).

Note: Sufficient information must be forwarded to the Certifying Authority 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 Certifying Authority to discuss requirements prior to submission of the application for Construction and Occupation Certificates.

C2 Work Health and Safety Act 2011

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

C3 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. 8.00am to 3.00pm on Saturdays
3. No work on Sundays and Public Holidays (except with the prior written consent of SOPA's Executive Director, Operations).

C4 Site Notice

A site notice(s) shall be prominently displayed at the boundaries of the site for the purposes of informing the public of project details. The notice(s) is to satisfy all but not be limited to, the following requirements:

- (1) Minimum dimensions of the notice are to measure 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size;
- (2) The notice is to be durable and weatherproof and is to be displayed throughout the works period;
- (3) The approved hours of work, the name of the site/project manager, the responsible managing company (if any), its address and 24 hour contact phone number for any inquiries, including construction/noise complaint are to be displayed on the site notice; and
- (4) The notice(s) is to be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the site is not permitted.

C5 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 site at all times and shall be readily available for perusal by any officer of SOPA or the PCA.

C6 Base Building Fire Safety Measures

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 fitout & use of the premises.

END OF PART C

PART D – PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

D1 Occupation Certificate

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

D2 Fire Safety Certificate

Any fire safety measures serving the premises are to be certified to the relevant Local Consent Authority (City of Parramatta 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.

D3 As -built plans

'As-built' plans in both PDF and CADD formats of the building and any existing external infrastructure that has been deleted or modified is to be submitted to SOPA within 3 months of obtaining an Occupation Certificate.

D4 Updated Plan of Management

Prior to the issue of an Occupation Certificate, the applicant / operator shall submit a copy of the updated Plan of Management (in accordance with the conditions of this consent) to the Authority & the local Police.

PART E – DURING OCCUPATION & OPERATION

E1 Maximum Number of Patrons

The gym shall be restricted to a maximum number of patrons that is in accordance with the relevant Building Code of Australia requirements & Acoustic Assessment.

Signage is to be permanently installed in a prominent location outside the entrance of the gym which advises of the maximum number of members permitted within the gym at any one time. New members are to be made aware of this matter when joining this Gym. Suitable automatic access management of the use capacity shall be provided to ensure the maximum number of patrons is met.

Note: The Plan of Management shall be updated to reflect the maximum number of patrons.

E2 Standard Hours of Operation

The standard hours of operation of the business shall be restricted to between:

DAY	START	FINISH
Monday - Sunday	7:00am	10:00pm

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 Extended Hours of Operation (Reviewable Condition)

The extended hours of operation of the business shall be restricted to between:

DAY	START	FINISH
Monday - Sunday	10:00pm	7:00am (the following day)

Note 1: 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.

Note 2: In accordance with Section 80A (10B) of the Environmental Planning and Assessment Act, 1979, Condition E3 (for extended hours of operation) is a reviewable condition and the Authority may review the condition at any time. Upon the condition being reviewed the operating hours may be varied in accordance with the findings / recommendations of the review. The purpose of the reviewable condition is to enable the operating hours to be reviewed should they be subject to complaints regarding operational issues, noise or other disorderly or antisocial behaviour.

Note 3: Should there be any operational issues, noise or other disorderly or antisocial behaviour associated with the extended operating hours, the extended hours will be revoked and the business will revert to the standard operating hours.

E4 Amplified Music

Amplified music, PA systems or the like shall not be played during the hours from 6pm - 8am (the following day). Outside these hours amplified music, PA systems or the like is prohibited unless it can be demonstrated i.e. supported by an Acoustic Assessment that it will not impact on resident/neighbour amenity.

E5 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 dock/bay 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.

E6 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.

All waste service vehicles in connection with the use of the premises shall use the designated loading/service area within the premises only. All vehicles shall enter/exit the site in a forward direction.

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 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.

E10 Signage for Members

Signage is to be permanently installed in a prominent location throughout the gym and within the gym's entries/exits to remind members to keep noise levels to a minimum and to be mindful of nearby residents within the building, particularly when attending the gym outside of regular business hours.

E11 Closed-Circuit Television System

The business operator must maintain a closed-circuit television (CCTV) system on the premises in accordance with the following requirements:

1. The system must record continuously from opening time until one hour after the premises are required to close (or, in the case of premises that are not required to cease trading, continuously at all times),
2. Recordings must be in digital format and at a minimum of 15 frames per second,
3. Any recorded image must specify the time and date of the recorded image,
4. The system's cameras must cover the following areas:
 - a) All entry and exit points on the premises,
 - b) The footpath immediately adjacent to the premises
 - c) All publicly accessible areas (other than toilets) on the premises.

The business operator must also:

5. Keep all recordings made by the CCTV system for at least 30 days, and
6. Ensure that the system is accessible by at least one member of staff at all times it is in operation, provide any recordings made by the system to a police officer or inspector within 24 hours of any request by a police officer or inspector to provide such recordings.

E12 Plan of Management

The development shall operate in accordance with the amended Plan of Management (POM) prepared by Snap Fitness received by the Authority on 19 December 2016. The POM will be required to be updated / amended to comply with the conditions of this consent, and from time to time, to ensure that adequate management measures are in place to prevent adverse amenity impact to neighbours.

Note: A copy of amended/updated Plan of Managements shall be provided to SOPA & the local Police as soon as it is available.

E13 Number of Car Spaces

A minimum of three (3) on-site parking spaces are to be provided and appropriately signposted for the sole use of the gym.

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 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.

F2 Occupation Certificate

Prior to the occupation or use of a new building, or occupation or use of an altered portion of, or an extension to an existing building, an Occupation Certificate is to be obtained from the Principal Certifying Authority appointed for the proposed development. An application for an Occupation Certificate must contain the information set out in Clause 149 of the *Environmental Planning and Assessment Regulations*.

F3 Fire Safety Certificate

A copy of the final Fire Safety Certificate (together with a copy of the current fire safety schedule) is to be given to the Commissioner of NSW Fire Brigades and a further copy of the Certificate (together with a copy of the current fire safety schedule) is to be prominently displayed in the building.

F4 Annual Fire Safety Statement

An annual Fire Safety Statement in the form described in Clause 175 of the *Environmental Planning and Assessment Regulation 2000* is to be submitted to City of Parramatta Council and a copy (together with a copy of the current fire safety schedule) is to be given to the Commissioner of New South Wales Fire Brigades. A further copy of the Statement (together with a copy of the current fire safety schedule) is to be prominently displayed in the building.

F5 Separate DA – signage

Any proposed business identification sign or advertising sign should be designed in accordance with the provisions of the *Sydney Olympic Park Guidelines for Outdoor Advertising Identification and Promotional Signage* and be the subject of a separate Development Application and approved prior to erection or placement in position.

F6 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.