

## 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

<b>Development Application:</b>	DA 20-11-2016
<b>Application made by:</b>	Payce Communities Wentworth Point & SH FWT Development Pty Ltd
<b>To:</b>	Sydney Olympic Park Authority (the Authority)
<b>In respect of:</b>	Lot 100 DP 1193985 - Shop 14, No. 1 Burroway Road, Wentworth Point
<b>For the following:</b>	Fitout and use of the premise as a 52 place Child Care Centre
<b>Determination:</b>	Consent granted subject to conditions in the attached <b>SCHEDULE 2</b>
<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>	<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. 20-11-2016**

**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
DA 01	A	Ground Floor Plan	20/10/16
DA 02	A	Ground Floor Partition Plan & Details	20/10/16
DA 03	A	Penetration Setout & Wet Areas Plan	20/10/16
DA 04	A	Elevations	20/10/16
Landscape Drawing prepared by Tessa Rose:			
Proposed CCC 1 Burroway Road	-	Playspace & Landscape Plan	29 Aug 16
Statement of Environmental Effects entitled 'Fitout and use of Child Care Centre for 52 Children', prepared by Sutherland & Associates Planning, dated October 2016			
BCA Capability Report prepared by Vic Lilli & Partners, Reference No. J160398, dated 6 September 2016			
Child Care Centre Acoustic Assessment prepared by Acoustic Logic, Project No. 20161276.1, dated 25/8/2016			

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 DA 20-11-2016, 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 eleven (11) on-site parking spaces are to be provided and appropriately signposted for the sole use of the Child Care Centre.

**A7 Signage**

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

**A8 Education and Care Services National Law & Regulation**

The Child Care Centre shall be constructed and operated in accordance with the requirements of the *Education and Care Services National Law & the Regulation*.

**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 Building Code of Australia Assessment**

Prior to the issue of a relevant Construction Certificate, a Building Code of Australia (BCA/NCC) Assessment shall be carried out on the proposed construction drawings by an appropriately qualified person.

**B4 Engineering Requirements**

The proposed new building works are to be designed, carried out and installed in accordance with the Consulting Engineers requirements.

**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 Building Code of Australia, AS 1428 series and the Authority's *Access Guidelines 2015*.

## **B6 Building Code of Australia Report**

The proposed new building works shall incorporate the recommendations contained in the BCA Capability Report by Vic Lilli & Partners, Reference No. J160398, dated 6 September 2016.

## **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 any services affected by the approved development.

## **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.sydneyolympicpark.com.au](http://www.sydneyolympicpark.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.
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* and *Regulation 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 Executive Director, Operations.

#### **C5 Waste Management during Construction**

Prior to the commencement of any works on the Subject Site, a Construction Waste Management Plan shall be prepared by a suitably qualified person and submitted to the Certifying Authority.

#### **C6 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 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.

#### **D4 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](http://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.

#### **D5 Car Parking Restrictions**

The eleven (11) on-site parking spaces located in the 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 Child Care Centre. 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 Sydney Olympic Park Authority prior to the issue of an Occupation Certificate. All costs are to be borne by the Applicant.

#### **D6 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. Matters to be addressed by the Emergency Evacuation Plan shall include (but not limited to) the following:

- (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

#### **D7 Traffic & Parking Management Plan**

A Traffic & Parking Management Plan detailing management of traffic & parking matters e.g. short-term parking spaces, signposting / signage, drop-off & pick-up areas etc. shall be prepared in consultation with, and to the satisfaction of, the Sydney Olympic Park Authority prior to the issue of an Occupation Certificate.

#### **D8 Structural Inspection Certificate**

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

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

#### **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 Standard Hours of Operation**

The hours of operation of the Child Care Centre shall be restricted to between 6.00 am to 7.00 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/service area within the premises only.

Loading and unloading of goods and waste to and from the premises 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 (except special 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.

#### **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](http://www.sydneyolympicpark.com.au).

## **E8 No 3<sup>rd</sup> party advertising / shop product promotional display on shop front windows**

Glass front windows are to remain free of any 3<sup>rd</sup> party advertising and shop product promotional displays.

## **E9 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.

## **E10 Pick-ups and Drop-offs**

All pick-ups and drop-offs shall take-place in accordance with Traffic & Parking Management Plan. The applicant / proprietor shall be fully responsible to ensure that all such activities, including vehicle ingress/egress from the site are conducted in a safe and legal manner, and prevent illegal queuing and/or turning manoeuvres to ensure the safe & uninterrupted vehicular traffic flow & operation of local streets.

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## **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.