

Modification of Minister's Approval

Section 75W of the *Environmental Planning & Assessment Act 1979*

As delegate of the Minister for Planning and Infrastructure under delegation executed on 1 October 2011, I approve the modification of the project application referred to in schedule 1, subject to the conditions in schedule 2.



Cameron Sargent
A/Director
Metropolitan and Regional Projects North

Sydney

14 Oct

2011

SCHEDULE 1

Project Approval:

MP08_0174 granted by the Minister for Planning on 2 September 2009

For the following:

Construction of a two storey building (as per BCA definition) with basement level, with intended use as a pub/restaurant.

Modification Number:

MP08_0174 MOD 1

Modification:

Expansion to the range of uses of the premises to included a 'function centre'.

SCHEDULE 2 CONDITIONS

Delete Part A of Schedule 1 and replace with the following:

PART A - TABLE

Application made by:	Sydney Olympic Park Authority
Application made to:	Minister for Planning
On land comprising:	Part Lot 201 DP 1041756 Located on the corner of The Yulang and Olympic Boulevard, Sydney Olympic Park
Local Government Area	Auburn Council
For the carrying out of:	Construction of a two storey building (as per BCA definition) with basement level, with intended use as a pub / restaurant / function centre
Estimated cost of works	\$7.3 million
Type of development:	Major Project
Determination made on:	2 September 2009
Determination:	Project approved subject to the conditions in the attached Schedule 2.
Date of commencement of approval:	This approval commences on the date of the Minister's approval.
Date approval is liable to lapse	5 years from the date of determination unless specified action has been taken in accordance with section 75Y of the EP&A Act.

Delete Part C of Schedule 1 and replace with the following:

PART C – DEFINITIONS

In this approval:

Advisory Notes means advisory information relating to the approved development but do not form a part of this consent.

BCA means the Building Code of Australia.

Certifying Authority has the same meaning as Part 4A of the EP&A Act

Council means Auburn Council.

CPI means Consumer Price Index.

DECC means the Office of Environment and Heritage (former Department of Environment and Climate Change)

Department means the Department of Planning and Infrastructure or its successors.

Director General means the Director General of the Department of Planning and Infrastructure.

Environmental Assessment means the Environmental Assessment dated February 2009, prepared by Helen Mulcahy Urban Planning Pty Ltd, including Appendices 1-20.

EP&A Act means the *Environmental Assessment and Planning Act 1979*

Minister means the Minister for Planning and Infrastructure.

MP No. 08_0174 means the Major Project described in the Proponent's Environmental Assessment.

Proponent means Sydney Olympic Park Authority

Regulation means the Environmental Planning and Assessment Regulation 2000 (as amended).

SOPA means the Sydney Olympic Park Authority

Sydney Olympic Park Development Contributions Strategy means the version of Sydney Olympic Park Development Contributions Strategy adopted in November 2002.

Subject Site has the same meaning as the land identified in Part A of this schedule.

Delete Condition A2 of Part A of Schedule 2 and replace with the following:

A2 Development in accordance with plans and documentation

The development will be undertaken in accordance with the following documents:

- (1) The Environmental Assessment dated February 2009, prepared by Helen Mulcahy Urban Planning Pty Ltd, including Appendices 1-20
- (2) The Proponent's Statement of Commitments (Schedule 3)
- (3) The Proponent's Response to Submissions, dated 5 June 2009
- (4) The Proponent's Section 75W Submission dated August 2011, prepared by Helen Mulcahy Urban Planning Pty Ltd
- (5) The External Colours and Finishes Selection Board prepared by Bates Smart (undated)
- (6) The following drawings prepared by Bates Smart:

Architectural (or Design) Drawings prepared by Bates Smart			
Drawing No.	Revision	Name of Plan	Date
AR EA 1 01	01	Site Plan	13 February 2009
AR EA 1 02	01	Landscape Plan	13 February 2009
AR EA 1 03	01	Signage elevations	13 February 2009
AR EA 2 01	01	Level 001 Basement Floor Plan	13 February 2009
AR EA 2 02	01	Level 00 Ground Floor Plan	13 February 2009
AR EA 2 03	01	Level 01 First Floor Plan	13 February 2009
AR EA 2 04	01	Roof Plan	13 February 2009
AR EA 2 05	01	Accessible amenities layout	13 February 2009
AR EA 5 05	01	Sections AA + BB	13 February 2009

AR EA 6 01	01	North + south elevations	13 February 2009
AR EA 6 02	01	West + east elevations	13 February 2009

except for:

- (1) any modifications which are 'Exempt and Complying Development' or as may be necessary for the purpose of compliance with the BCA and any Australian Standards incorporated in the BCA
- (2) otherwise provided by the conditions of this approval.

Delete Condition A4 of Part A of Schedule 2 and replace with the following:

A4 Additional Approvals Required

Approval is not granted or implied for any of the following:

- (a) fit out and operation
- (b) hours of operation
- (c) installation of bollards, planters, any umbrellas, awnings or other shade structures or other form of weather protection or outdoor seating areas
- (d) building identification signage.

A separate application shall be submitted to SOPA in accordance with Part 4 of the EP&A Act, for any of the above-mentioned works and uses.

Delete Condition B1 of Part B of Schedule 2 and replace with the following:

B1 Fit Out and Operation for the Purposes of a Pub / Restaurant / Function Centre

Should the venue be proposed to be used as a pub / restaurant / function centre, separate Development Consent is to be obtained from SOPA under Part 4 of the EP&A Act prior to the issue of the Construction Certificate for the base building to ensure that its design meets the BCA requirements. Drawings approved under any consent issued shall supersede the relevant drawings in Condition A2.

Delete Condition B10 of Part B of Schedule 2 and replace with the following:

B10 Access for Persons with a Disability

Prior to issue of a Construction Certificate, the Proponent must provide a certificate of compliance, prepared by an appropriately qualified person and submitted to the Certifying Authority confirming that the development complies with the requirements for access by people with disabilities under the Building Code of Australia, the *Disability Discrimination Act 1992*, SOPA's Access Guidelines May 2011 and that the recommendations of the "Access Review" prepared by Morris-Godding Accessibility Consulting, dated 18 February 2009 (Appendix 10 of the EA), have been implemented.

Delete Condition C1 of Part C of Schedule 2 and replace with the following:

C1 Commencement

The erection of a building must not be commenced until:

- (1) Approval has been obtained for the fit out and operation for the purposes of a pub / restaurant / function centre.

- (2) Detailed plans and specifications have been endorsed with a Construction Certificate (by the Certifying Authority or an accredited certifier).
- (3) The person having benefit of the approval has appointed a 'Principal Certifying Authority' and has notified the Department and SOPA of the appointment.
- (4) The person having benefit of the approval has given at least 2 days notice to SOPA of their intention to commence the development works the subject of this consent.

Delete Condition F7 of Part F of Schedule 2 and replace with the following:

F7 *Maximum population of licensed premises*

For licensed premises, in addition to the sign showing the licensee's name, there must be affixed alongside, details of the maximum number of persons permitted in the premises, in letters not less than 25mm, displayed at the main front entrance of the premises. The overall size of both signs must not exceed 600mm in height or width in total.

Note: The final maximum population of the premises will be determined as part of a separate development application for the fit out/operation of the premises.