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## ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

### DETERMINATION OF DEVELOPMENT APPLICATION NO. 020-04-07

(FILE NO. 0607/143)

#### CHANGE OF USE AND MINOR FITOUT FOR COMMERCIAL/OFFICE PREMISES AND ASSOCIATED SIGNAGE 96 REGENT STREET, REDFERN

I, the Chief Executive Officer of the Redfern-Waterloo Authority as delegate of the Minister Planning under Instrument of Delegation dated 22 February 2007, pursuant to Sections 80 (1)(a) and 80A of the *Environmental Planning & Assessment Act, 1979*, clause 9A of the *State Environmental Planning Policy (Major Projects) 2005* determine the development application referred to in the attached Schedule 1, by **granting consent** to the application subject to the conditions of consent in the attached Schedule 2.

The reasons for the imposition of conditions are:

1. To confirm the details of the application and plans submitted by the applicant.
2. To comply with the provisions of the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulation 2000*.
3. To ensure compliance with relevant planning controls.
4. To ensure that the work is carried out to an acceptable standard and in accordance with the Building Code of Australia and any standards, codes and regulations.
5. To protect the amenity of the local environment, and adjoining residents, businesses and landowners.

Robert Domm  
Chief Executive Officer  
Redfern-Waterloo Authority

Sydney,

2007

**SCHEDULE 1****PART A—TABLE**

<b>Application made by:</b>	Alex Hur and Sung Wook Chung, Air Couriers International (Aust) Pty Ltd
<b>Application made to:</b>	Minister for Planning
<b>Development Application:</b>	DA 020-04-07
<b>On land comprising:</b>	96 Regent Street, Redfern LOT 1 DP184335
<b>Local Government Area</b>	City of Sydney
<b>For the carrying out of:</b>	Change of use and minor internal fit out of the ground floor of the existing building for an office, and associated signage
<b>Estimated Cost of Works</b>	\$200
<b>Type of development:</b>	Local Development
<b>S.119 Public inquiry held:</b>	No
<b>Approval Body / Bodies:</b>	Not Integrated
<b>Determination made on:</b>	8 May 2007
<b>Determination:</b>	Development consent is granted subject to the conditions in the attached Schedule 2.
<b>Date of commencement of consent:</b>	This development consent commences on the date identified in the formal notification letter accompanying the Determination.
<b>Date consent is liable to lapse</b>	This consent will lapse 5 years from the date of commencement of consent, unless: <ul style="list-style-type: none"> <li>▪ a shorter period of time is specified by the Regulations or</li> <li>▪ a condition in Schedule 2, or</li> <li>▪ the development has physically commenced.</li> </ul>

**PART B—NOTES RELATING TO THE DETERMINATION OF DA NO. 020-04-07*****Responsibility for other approvals/agreements***

The Applicant is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.

***Appeals***

The Applicant has the right to appeal to the Land and Environment Court under Section 97 of the *Environmental Planning and Assessment Act, 1979*. The right to appeal is only valid, for a development application, within 12 months after the date on which the Applicant received this notice.

***Appeals—Third Party***

A third party right to appeal to this development consent is available under Section 123, subject to Section 101, of the *Environmental Planning and Assessment Act, 1979*.

***Legal notices***

Any advice or notice to the consent authority shall be served on the Chief Executive Officer of the Redfern-Waterloo Authority.

***Further Information***

If you have any queries regarding this matter, please contact Ms Yolanda Gil on 9202 9107.

## PART C—DEFINITIONS

In this consent,

**Act** means the *Environmental Planning and Assessment Act, 1979* (as amended).

**Applicant** means Alex Hur and Sung Wook Chung, Air Couriers International (Aust) Pty Ltd and or any party acting upon this consent.

**Approval Body** has the same meaning as within Division 5 of Part 4 of the Act,

**BCA** means the Building Code of Australia.

**Certifying Authority** has the same meaning as Part 4A of the Act.

**CEO** means the Chief Executive Officer of the Redfern-Waterloo Authority.

**Council** means the City of Sydney.

**DA No. 020-04-07** means the development application and supporting documentation submitted by the Applicant on 13 April 2007.

**Department** means the Department of Planning or its successors.

**Planning and Urban Design Director** means the Planning and Urban Design Director of the Redfern-Waterloo Authority.

**Minister** means the Minister for Planning.

**Regulations** mean the *Environmental Planning and Assessment Regulations, 2000* (as amended).

**RWA** means the Redfern-Waterloo Authority.

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

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

## SCHEDULE 2

### CONDITIONS OF CONSENT

#### DEVELOPMENT APPLICATION NO. 020-04-07

#### PART A—GENERAL CONDITIONS

##### **A1     *Development Description***

Development consent is granted only to carrying out the development described in detail below:

1. Change of use and minor internal fit out of the ground floor of the existing building for an office.
2. Painting of the interior of the office space and external shop front.
3. Business identification signage on the shop front window.
4. Hours of operations shall be restricted to the hours of 9 am to 5 pm, Monday to Sunday.

##### **A2     *Development in Accordance with Plans***

The development shall be in accordance with development application number 020-04-07 submitted by the Applicant on 13 April 2007, and in accordance with the following:

<b>Statement of Environmental Effects prepared by Alex Hur and dated 13 April 2007.</b>			
<b>Correspondence signed by Alex Hur and dated 30 April 2007.</b>			
<b>Architectural Drawings prepared by Alex Hur, Air Couriers International (Aust) Pty Ltd.</b>			
<b>Drawing No.</b>	<b>Revision</b>	<b>Name of Plan</b>	<b>Date Received</b>
Ref 1	-	Site plan	13 April 07
Ref 2	-	Signage details	13 April 07
Ref 2-1	-	Signage details	13 April 07
Ref 8	-	Ground floor office plan	13 April 07
Ref 9	-	Proposed ground floor internal/external paint sample.	13 April 07

and as amended by the following conditions:

##### **A3     *Business Identification Signage***

Only one sign is to be placed on the front of the building at 96 Regent Street. The sign should be no greater than 60 cm by 50 cm.

**A4 Shop Front Fit Out**

The shop front glazing must not be obscured by blinds, curtains or the like.

**A5 Shop Front Painting**

In addition to the external shop front being painted, the awning fascia must also be painted.

**A6 Future Installation of Shop Front Security Door System**

It is preferable that security shutters/grilles not be installed on the outside of the shop front. Any security grille/shutter should be located on the inside of the shop front (behind the glass), unless it can be proven that installation inside is not possible. The security grille/shutter must be open grille, not a solid opaque metal and fold away to one side (an expanding trellis security door system). Details of the proposed security door system must be submitted to the RWA for approval before the security door is installed.

**A7 Works Compliance**

All building works shall be constructed in accordance with the relevant Australian Standards, Codes of Practice and the Building Code of Australia.

**A8 Inconsistency between documents**

In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent prevail.

**A9 Lapsing of Consent**

In accordance with Section 95(1) of the Act the development consent shall lapse unless work has physically commenced on the land within five years from the date of the consent or in instances where no work is required, the use has commenced within 5 years from the date of the consent.

**A10 Prescribed Conditions**

The Applicant shall comply with the prescribed conditions of development consent under clause 98 and 98A of the Regulation.

**PART B Conditions to be complied with prior to the issue of an Occupation Certificate and prior to the commencement of use, to the satisfaction of the Certifying Authority**

**B1 Smoke Alarm Certification**

A Certificate of Compliance prepared by a licensed electrician shall be submitted to the Certifying Authority, RWA and Council prior to an Occupation Certificate being granted to use or occupy the building, certifying that:

- (a) A smoke alarm unit has been installed, is operational and it complies with *AS 3796 Self Contained Smoke Alarms*.
- (b) The smoke alarm system installed is connected to the mains electrical power supply and has a stand by (battery backup) power supply.

**B2 Garage Door Removal**

The garage door installed on the shop front must be removed and shop front/facade made good.

**B3 Shop Numbering**

Prior to the issue of an Occupation Certificate, the shop number must be clearly displayed in accordance with the *Policy on Numbering of Premises within the City of Sydney*.

**B4 Occupation Certificate**

An Occupation Certificate must be obtained from the Certifying Authority prior to commencement of occupation or use of the whole or part of the new building. A copy of the certificate shall be submitted to RWA's Planning section and Council.

## **PART C Conditions to be complied with during the use of the premises**

### **C1 Hours of Operation**

The hours of operation are restricted to between 9 am and 5 pm, Monday to Friday.

### **C2 Noise – Use**

Noise caused by the approved use including music and other activities must comply with the following criteria:

- (a) The use must not result in the transmission of “*offensive noise*” as defined in the Protection of the Environment Operations Act 1997 to any place of different occupancy.
- (b) The L10 noise level emitted from the use must not exceed 5dB above the background (L90) noise level in any Octave Band Centre Frequency (31.5 Hz to 8 KHz inclusive) between the hours of 7.00 am and 12.00 midnight when assessed at the boundary of the nearest affected property. The background noise level must be measured in the absence of noise emitted from the use.
- (c) The L10 noise level emitted from the use must not exceed the background (L90) noise level in any Octave Band Centre Frequency (31.5 Hz to 8 KHz inclusive) between the hours of 12.00 midnight and 7.00 am when assessed at the boundary of the nearest affected property. The background noise level must be measured in the absence of noise emitted from the use.
- (d) Notwithstanding compliance with (1) and (2) above, the noise from the use must not be audible within any habitable room in any residential property between the hours of 12.00 midnight and 7.00am.
- (a) Gaseous emissions from the development must comply with the requirements of the Protection of the Environment Operations Act, 1997 and Regulations. Uses that produce airborne particulate matter must incorporate a dust collection system.

### **C3 Signs/Goods in the Public Way**

No signs or goods are to be placed on the footway or roadway adjacent to the property.

### **C4 Removal of Graffiti**

The owner/manager of the site must be responsible for the removal of all graffiti from the building within 48 hours of its application.

### **C5 Care of Building Surrounds**

In addition to Council's daily street sweeping and cleansing operations, the owner/manager of the building shall ensure that the forecourt and the surrounds of the building including pavements and gutters are to be kept clean and free of litter at all times.

**ADVISORY NOTES*****AN1 Modification to development consent***

That the applicant or any person entitled to act on this consent may make an application to modify this development consent in accordance with Section 96 of the Act.